

## AN ORDINANCE 100126

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CORRECTING CLERICAL AND FORMATTING ITEMS; INCLUDING PROVISIONS INADVERTENTLY OMITTED; MAKING MINOR AMENDMENTS; CLARIFYING ITEMS; AND AMENDING DEFINITIONS.**

\* \* \* \* \*

**WHEREAS**, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

**WHEREAS**, the Zoning Commission has recommended approval of those amendments pertaining to zoning issues; and

**WHEREAS**, the Planning Commission has recommended approval of those amendments pertaining to planning issues; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Code of San Antonio, Texas is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article I, Section 35-111 is amended as follows:

### **35-111 Annual Updates for Amendments**

(a) At least sixty (60) days prior to September 1<sup>st</sup> of each year, any person may provide a request for amendment to this Chapter to the Planning Director of Development Services. The request for amendment shall be labeled an "Annual Update Request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.

Chapter 35, Article II, Section 35-202, Conventional Subdivisions is amended as follows:

### **35-202 Conventional and Enclave Subdivisions**

*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. This Conventional Use Pattern has been the dominant pattern of development in areas in Texas and the United States during the past fifty 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 cul-de-sacs, few points of access into the subdivision, and large yards.*

**(a) Applicability**

The provisions of this Section apply to any application for Subdivision Plat approval for a "Conventional Subdivision" with public streets or an "Enclave Subdivision" with private streets within a Base Zoning District or within the ETJ, except as otherwise provided in this Chapter.

**(b) Processing Procedures**

**(1) Generally**

A Conventional or Enclave Subdivision shall be processed pursuant to the review procedures for subdivision plats as set forth in Article 4 of this Chapter. Variances shall be processed as set forth in subsections (2) and (3), below, except for Applications within the Edwards Recharge Zone District (ERZD) or Utility Conversion Districts.

**(2) Variances – Incorporated Areas**

Within the incorporated areas of the City:

- A. A variance to the requirements of subsection (c) shall be processed in accordance with § 35-482 of this Chapter.
- B. A variance to the requirements of subsections (b) and (d) through (n) shall be processed in accordance with § 35-483 of this Chapter.

**(3) Variances – Extraterritorial Jurisdiction**

Within the ETJ, variances shall be processed in accordance with § 35-483 of this Chapter.

**(c) Size And Location Of Site**

There is no minimum size or maximum size for a Conventional Subdivision. There is no minimum size and a maximum size of 30 acres for an Enclave Subdivision.

**(d) Uses & Density**

A Conventional or Enclave Subdivision shall comply with the standards of the zoning district in which it is located. Conventional and Enclave Subdivisions are subject to the minimum lot size requirements of the Dimensional Matrix (35-310, Table 310-1). The provisions of this subsection do not apply to the City's extraterritorial jurisdiction.

**(e) Traffic Impact Analysis**

Conventional and Enclave Subdivisions shall comply with the Traffic Impact Analysis ~~Traffic Impact Analysis~~ Standards of this Chapter.

**(f) Lot Layout**

A Conventional or Enclave Subdivision shall comply with the Lot Layout Standards of this Chapter.

**(g) Transportation**

A Conventional or Enclave Subdivision shall comply with the Transportation Standards of this Chapter. See Table 202-1, below, for illustration of street design guidelines of Table 506-3.

**(h) Stormwater Management**

A Conventional or Enclave Subdivision shall comply with the Stormwater Management Standards, § 35-504 of this Chapter.

**(i) Utilities**

A Conventional or Enclave Subdivision shall comply with the ~~See~~ Utilities Standards, § 35-507 of this Chapter.

**(j) Parks & Open Space**

A Conventional or Enclave Subdivision shall comply with the Parks and Open Space Standards of this Chapter.

**(k) Natural Resource Protection**

A Conventional or Enclave Subdivision shall comply with the Natural Resource Protection Standards of this Chapter.

**(l) Buffers, Landscaping, Streetscape Planting & Tree Preservation**

A Conventional or Enclave Subdivision within the incorporated areas of the City shall comply with the Landscaping, Screening and Buffering Standards of ~~this Chapter~~ to the extent required by Article 5, Division 3 of this Chapter. A Conventional or Enclave Subdivision within the City and the ETJ shall be subject to the Tree Preservation Standards ~~of this Chapter~~ to the extent required by § 35-523 ~~35-543~~ of this Chapter.

**(m) Parking**

A Conventional or Enclave Subdivision shall comply with the Parking Standards of this Chapter.

**(n) Outdoor Storage**

A Conventional or Enclave Subdivision shall comply with the Outdoor Storage Standards of this Chapter.

**(o) Urban Design**

A Conventional or Enclave Subdivision shall not be subject to the Urban Design Standards of this Chapter.

**(p) Common Areas and Facilities-Enclave Subdivisions**

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

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

is designated as the representative of the owners of property in a residential subdivision; that has a membership primarily consisting of the owners of property covered by the dedicatory instrument for the residential subdivision; and that manages or regulates the residential subdivision for the benefit of the owners of property in the subdivision.

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

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

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

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

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

The dedicatory instrument shall provide the city with written permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction.

### **(g) Streets and Access to Adjoining Properties-Enclave Subdivisions**

(1) Enclave subdivisions must be constructed with all streets designed to the standards for a "Local Type A or B" public street including full rights-of-way, sidewalks on both sides and curbs.(35-506)

(2) Collector and Arterial Streets shall not be gated and shall be public within an Enclave subdivision.

(3) The Planning Commission may require a public street through or stub out within an Enclave subdivision for the purpose of connectivity, avoidance of land locking adjacent properties, or provision of public services.

### **(r) Converting Private Streets to Public Streets-Enclave Subdivisions**

Private streets in an Enclave Subdivision may be considered, at the sole discretion of the City Council, for conversion to public streets under the procedures and specifications found in Section 35-506, Transportation and Street Design, (i) Private Streets, (5) Converting Private Streets into Public Streets.

Chapter 35, Article II, Section 35-208(n) is amended as follows:

**35-208 Transit-Oriented Development**

\* \* \* \* \*

**(n) Parking**

The minimum parking requirements shall within the TOD-C and TOD-P districts are as follows:

**Table 208-2  
Transit-Oriented Development Parking**

Area	Minimum Parking Requirement
TOD-C, within 500 feet of a Transit Station or Major Bus Loading/Boarding Location	None
TOD-C, balance of area	Fifty percent (50%) of the parking spaces required by the Parking Standards of this Chapter.
TOD-C, balance of area	75 percent of the parking spaces required by the Parking Standards of this Ordinance

Chapter 35, Article III, Section 303, Establishment of Districts, Subsection (a), Base Zoning Districts is amended to add a new district by inserting "R-3" Residential Single-Family after "RM-4" Residential Mixed and before "MF-25" Multi-Family and clarifying title of "C-2P" district as follows:

**35-303 Establishment of districts**

**(a) Base Zoning Districts**

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the City, as shown on the Official Zoning Map accompanying this Chapter and incorporated herein by this reference, is hereby divided into the following zoning districts, the Overlay and Special Zoning Districts established in subsections (b) and (c) hereto, and the Conditional Zoning Districts established pursuant to § 35-321 of this Article, which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

- "RP" Resource Protection
- "RE" Residential Estate
- "R-20" Residential Single-Family
- "R-6" Residential Single-Family
- "RM-6" Residential Mixed
- "R-5" Residential Single-Family
- "RM-5" Residential Mixed
- "R-4" Residential Single-Family
- "RM-4" Residential Mixed
- "R-3" Residential Single-Family
- "MF-25" Multi-Family
- "MF-33" Multi-Family
- "MF-40" Multi-Family

- "MF-50" Multi-Family
- "O-1" Office
- "O-2" Office
- "NC" Neighborhood Commercial
- "C-1" Light Commercial
- "C-2" & "C-2P" Commercial
- "C-2P" Commercial Pedestrian
- "C-2NA" Commercial, Nonalcoholic Sales
- "C-3" General Commercial
- "C-3R" Restrictive Commercial
- "C-3NA" General Commercial, Nonalcoholic Sales
- "D" Downtown
- "L" Light Industrial
- "I-1" General Industrial
- "I-2" Heavy Industrial
- "UD" Urban Development
- "RD" Rural Development
- "FR" Farm and Ranch
- "MI-1" Mixed Light Industrial
- "MI-2" Mixed Heavy Industrial

Chapter 35, Article III, Section 35-310.01, Table 310-1 is amended as follows:

### 35-310.01 Generally

\* \* \* \* \*

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

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)		
Zoning District	LOT DIMENSIONS							BLDG ON LOT				BUILDING			
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Depth (min)	Depth (max)	Front Setback (min) * * * * *	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
RP	10 acres		0.1	—	—	—			15	—	5	—	35 / 2-½	—	—
RE	43,560		1	100	120	—			15	—	5	30	35 / 2-½	—	—
R-20	20,000		2	65	90	—			10	—	5	30	35 / 2-½	—	—
R-6 <sup>(1)</sup>	6,000		7	30	50	150			10	—	5	20	35 / 2-½	—	—
R-5 <sup>(1)</sup>	5,000		9	30	45	150			10	—	5	20	35 / 2-½	—	—
R-4 <sup>(1)</sup>	4,000		11	20	35	150			10	—	5	20	35 / 2-½	—	—
RM-6 <sup>(1)</sup>	6,000		7	15	15	150			10	—	0	20	35 / 2-½	—	—
RM-5 <sup>(1)</sup>	5,000		9	15	15	100			10	—	0	10	35 / 2-½	—	—
RM-4 <sup>(1)</sup>	4,000		11	15	15	80			10	—	0	10	35 / 2-½	—	—
MF-25 <sup>(1)</sup>	—		25	50	50	—			—	20 <sup>(3)</sup> , 4 <sup>(4)</sup> 6	5	10	35	—	—

MF-33 <sup>(1)</sup>	—	33	50	50	—	—	—	20 <sup>(3)</sup> X(4)6	5	10	45	—	—	
MF-40 <sup>(1)</sup>	—	40	50	50	—	—	—	20 <sup>(3)</sup> X(4)6	5	10	60	—	—	
MF-50 <sup>(1)</sup>	—	50	50	50	—	—	—	20 <sup>(3)</sup> X(4)6	5	10	—	—	—	
O-1	—	—	50	50	—	—	—	35	20 <sup>(2)</sup>	30 <sup>(2)</sup>	25	10,000	90,000	
O-2	—	—	50	—	—	—	—	25	80	20 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—	
NC	—	—	20	—	—	—	—	15	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	3,000	—	
C-1	—	—	50	50	—	—	—	20	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	5,000	15,000	
C-2	—	—	20	—	—	—	—	—	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	—	—	
C-2P	—	—	20	—	—	—	—	35	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	—	—	
C-3	—	—	20	—	—	—	—	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	35	—	—	
D	—	—	—	—	—	—	—	20	—	—	—	—	—	
L	—	—	80	—	—	—	—	25	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	35	—	
I-1	—	—	80	80	—	—	—	30	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	60	—	
I-2	—	—	100	100	—	—	—	30	—	50 <sup>(2)</sup>	50 <sup>(2)</sup>	60	—	
<b>URBAN DEV</b>														
UD-Single Family	—	10,000	—	15	15	150	—	450	15	20	0	10	35 / 2-½	—
UD-Multifamily-15	—	—	15	50	50	—	—	450	15	20	5	10	35	15 units
UD-Multifamily-33	—	—	33	50	50	—	—	300	15	20	5	10	—	150 units
<b>Commercial</b>														
bldg > 90,000**	—	250,000	—	—	—	500	—	500	0	3515 <sup>5</sup>	30 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
bldg < 90,000**	—	—	—	20	—	—	—	300	0	3515 <sup>5</sup>	10 <sup>(2)</sup>	30 <sup>(2)</sup>	—	< 90,000
bldg < 6,000**	—	—	—	20	—	—	—	450	0	3515 <sup>5</sup>	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	< 6,000
<b>RURAL DEV</b>														
RD-Single Family	43,560	—	1	100	120	—	—	—	15	—	5	30	35 / 2-½	—
<b>RD-Commercial</b>														
bldg > 90,000 sf**	—	250,000	—	—	—	500	—	500	0	35	30 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
bldg < 90,000 sf**	—	—	—	20	—	—	—	300	0	35	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	< 90,000
bldg < 6,000 sf**	—	—	—	20	—	—	—	450	0	35	10 <sup>(2)</sup>	30 <sup>(2)</sup>	25	< 6,000
<b>FARM &amp; RANCH</b>														
FR-Single Family	25 acres*	—	0.04	—	—	—	—	—	15	—	5	—	35 / 2-½	—
FR-AgCommercial	25 acres*	—	—	—	—	—	—	—	15	—	5	—	35 / 2-½	—
<b>MIXED</b>														
<b>INDUSTRIAL</b>														
MI-1	—	—	—	80	80	—	—	—	***	—	30 <sup>(2)</sup>	50 <sup>(2)</sup>	60	—
MI-1 < 3,000 sf	—	—	—	50	—	—	—	—	***	—	10 <sup>(2)</sup>	30 <sup>(2)</sup>	—	3,000
MI-1 Village Center	2 acres	—	—	300	—	—	—	—	***	—	10 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—

\* Exception allowed for pre-existing lots of record  
 \*\* See regulations for location standards  
 \*\*\* See Table 310.15-3 for minimum setback standards on specific street classifications

\*\*\*\* Subdivision Recreation Facilities provided for the primary use of the subdivision's residents and located on property with a single-family zoning category shall be exempt from the front yard setbacks of Table 310-1.

**Rules for Interpretation of Table 310-1:**

Generally. The requirements for the parameters set forth in Columns (B) through (P), above, relate to the zoning district specified in the row under Column (A), above. A dash (—) indicates that the requirement does not apply within the particular zoning district. Except for Column (D) & (L<sub>N</sub>) or otherwise notated the dimensions specified in Columns (B) through (P) are expressed in linear feet. The dimensions specified in Columns (B), (M<sub>Q</sub>) and (N<sub>P</sub>) are expressed in square feet unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout, Height and Density/Intensity Standards (§ 35-515 to 35-517 of this Code).

**Column (B):** Minimum lot size (Column (B) applies only to Conventional Option, single-family detached developments (see § 35-201 of this Chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this Section for minimum lot area.

<p><b>Column (D):</b> The maximum density requirements (Column (D)) are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in §§ 35-515 of this Chapter.</p> <p><b>Column (E):</b> Frontage is defined as the distance where a property line is common with a street right-of-way line. For irregular shaped lots, see § 35-515(c)(4).</p> <p><b>Column (F):</b> Lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.</p> <p><b>Column (G):</b> Maximum lot widths apply only to detached single family residential development.</p> <p><b>Column (HJ) &amp; (IK)</b> The front setback shall be measured from the front lot line. The Principal Building or Principal Structure shall not be located closer to the front lot line than the distance established in column (H). The front façade of the Principal Building or Principal Structure shall not be located further from the front lot line than the distance established in Column (I). For Townhouse and Attached Single-Family, the minimum front setback shall be twenty (20) feet unless all off-street parking is located in the rear of the Principal Building and the lot abuts an alley or driveway with a minimum width of 24 feet. Additional setbacks are required for height increases as set forth in § 35-517(d).</p> <p><b>Column (JL):</b> The side setback requirements in the RM-6, RM-5, and RM-4 districts may be reduced to 0 on one side lot line and 10 on the other side lot line where needed to accommodate Zero Lot-Line development (see section 35-373 of this Article). Additional setbacks are required for height increases as set forth in § 35-517(d).</p> <p><b>Column (KM):</b> Rear setback requirements shall not apply to any use in the NC, O-1, O-2, C-1, C-2, or C-3 zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-25," "MF-33," "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this Chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.</p> <p><b>Column (LN): Height</b> The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the declivity of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. <del>is defined as the distance from finished floor elevation to the highest peak of the structure.</del> All dimensions are in feet provided, however, that for zoning districts "RP" through "RM-4," the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Additional height may be provided with increases in the minimum front and side setbacks shall increase as provided in § 35-517(d). Notwithstanding the requirements of Table 310-1, the maximum height (prior to applying any increase provided in § 35-517(d)) for an "O-2," "MF-25" or "MF-33" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this Chapter shall be thirty-five (35) feet or 2-½ stories.</p> <p><b>Columns (NO &amp; OP):</b> Dimensions are in square footage. See §§ 35-310.17(a)(2) and 35-310.18(a)(2) for specific rules of interpretation. Additional square footage may be available if a Specific Use Permit is approved, in accordance with these provisions.</p> <p><b>Column (oP):</b> The aggregate square footage refers only to non-residential square footage. Where residential uses are permitted, (1) the square footage of non-residential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.</p> <p><b>Note (1) - Column (A):</b> See §§ 35-372, 35-373, 35-515, &amp; 35-516 of this Code for standards applicable to uses other than detached single-family dwellings.</p> <p><b>Note (2) - Columns (L) &amp; (M):</b> Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district.</p>		
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zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district.

**Note (3)** – Public & parochial school facilities and religious institutions whose primary activity is worship shall be exempt from the mandatory maximum front setback provision.

**Note (4)** - Single family lot development within a "MF" multi-family zoning district shall meet the minimum lot requirements for a "R-4" zoning district.

**Note (5)** Maximum front setback for UD commercial uses shall not be applicable for properties with primary frontage on expressways and parkways.

**Note (6)** – For a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of 20 feet in "MF-25", "MF-33", "MF-40", & "MF-50" may be extended to 90 feet provided that no parking or drives other than egress/ingress drives shall be located within 20 feet of the front property line. For a lot with less than fifty (50) feet of frontage on a public street the front setback shall be at least 20 feet and shall be measured from the point at which the lot first becomes wider than fifty (50) feet in width.

Chapter 35, Article III, Division II, Base Zoning Districts is amended by adding a new Section 35-310.05a, R-3 (Residential Single-Family) as follows:

### **35-310.05a**     **R-3 (Residential Single-Family)**

#### **(a) Purpose**

*The "R-3" (Residential Single Family) zoning district is designed to provide options for developing dwelling units for specialized housing markets such as the affordable housing market, starter homes, and empty nester homes on small lots. This district will provide areas for high-density, single-family residential uses where adequate public facilities and services exist, prevent the overcrowding of land, and facilitate the adequate provision of transportation. The "R-3" (Residential Single Family) zoning district is designed to be in close proximity to schools, public parks, and open space serving the site. "R-3" zoning districts are inappropriate for "enclave subdivisions" and are not permitted.*

#### **(b) General - Lot and Building Specifications**

##### **(1) The following housing types maybe developed in a "R-3" zoning district.**

Single-Family Attached Dwellings  
Single-Family Detached Dwellings  
Townhouses  
Zero-Lot Line Houses  
Cottages  
Garden Homes

##### **(2) Connectivity and Permitted Locations**

A "R-3" subdivision will have connectivity ratio of 1.4.

In any "RM-4", RM-5" & "RM-6" zoning district lots may be developed as "R-3" lots, provided that the total number of "R-3" lots does not exceed fifteen percent (15%) of the gross number of "RM-4", RM-5" or "RM-6" lots within the development.

##### **(3) "R-3" Lot Sizes and Specifications**

The following requirements for lot design shall be applicable regardless of which housing use is planned for the lot (Single-Family Attached Dwellings, Single-Family Detached Dwellings, Townhouses, and Zero-Lot Line Houses.)

- A. Minimum Lot Size: 3,000 square feet.
- B. Mixed Lot Sizes: A "R-3" subdivision plat may have varied lot sizes provided that the following criteria are met:
  - Not more than 20% of the lots may be not less than 2,000 square feet if an equivalent number of single-family lots are not less than 3,500 square feet such that the average lot size of the entire subdivision is not less than 3,000 square feet.
  - Not more than 5 % of the lots may be developed as two family units.
  - Not more than 5 % of the lots may be not less than 4,000 square feet and developed as four family units.
  - Not more than 5% of the lots may be not less than 6,000 square feet and developed as eight family units).
- C. Minimum Street Frontage: 20 feet.
- D. Minimum Lot Width - 20 feet.
- E. Maximum Building Height: 35 feet/3 Stories.
- F. Minimum Lot Depth: 75 feet.
- G. Minimum Front Setback: 10 feet.
- H. Maximum Front Setback: 35 feet.
- I. Minimum Side Setback: None.
- J. Minimum Rear Setback: 10 feet (Garages and accessory dwellings: None)
- K. Maximum Building Size per individual unit: Building cover shall not exceed 70% of the lot area.
- L. Maximum Building Size (Average of total development of "R-3" homes): None.
- M. Required Open Space: Each lot must have a minimum of 500 contiguous square feet within the boundaries of the rear yard behind the rear of the building.
- N. Front Porch: At least 50% of the units shall have covered front porches of not less than 15 square feet. Porches may protrude beyond the front building line.

#### **(4) Tree Preservation**

Solely for purposes of calculating requirements pursuant to § 35-523 (Tree Preservation) and § 35-B123 (Tree Preservation Plan) of this Code, the front setbacks shall be 10 feet and the rear setbacks shall be 20 feet.

#### **(5) Park/ Open Space**

Park/Open Space requirement is one acre for each 70 units and all units for which park/open space is calculated must be within 1 mile of the park/open space dedicated for those units. Payment of a fee in lieu of park/open space dedication is not permitted in "R-3" subdivisions.

#### **(6) Mixed Use**

If the development is a Mixed Use development, one-half (1/2) acre for each 100 units may be dedicated to a NC or C-1 land use. NC or C-1 uses may have upper levels developed as two, four or eight family units provided that the lot sizes are in accordance with those prescribed for two, four and eight family units.

#### **(7) NC or C-1 Land Use Within Mixed Use Development**

Maximum Building Front Setback: 10 feet  
Minimum building Front Setback: 0 feet  
Minimum Side Setback: None

#### **(8) Off-street Parking required**

- A. Two (2) spaces per dwelling unit including garage or carport area (cluster parking is allowed)

- B. Driveway width for "R-3" dwelling units shall not exceed 12 feet within the street right of way.
- C. Off street parking will be located to the rear of buildings in areas dedicated to NC or C-1 land uses.
- D. Minimum parking for NC or C-1 land uses: None
- E. Maximum Parking for NC or C-1 land uses: 1 space per 1000 square feet
- F. Minimum Sidewalk Width adjacent to NC or C-1 land uses: Six (6) feet

Chapter 35, Article III, Section 310.06(b) is amended as follows:

## **35-310.06      *RM-6, RM-5, & RM-4 (Mixed Residential)***

\* \* \* \* \*

### **(b) *Lot and Building Specifications***

In a "RM-4", "RM-5" or "RM-6" district fifteen percent (15 %) of the lots may be developed as "R-3" lots provided that they meet or exceed the minimum lot criteria for "R-3" lots contained in 35-310.05a of this code. 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.

Chapter 35, Article III, Sections 35-310.15(b), 35-310.15(e), 35-310.15(f)(5), (6), and (7), 35-310.15(i) and Table 310.15-5, and 35-310.15(h), are amended as follows:

## **35-310.15      *Urban Development District (UD)***

\* \* \* \* \*

### **(b) *"UD" Uses & Conditions***

#### **(1) *Single Family Project Over 5 Acres Residential Uses***

- A. Residential development projects in excess of 5 acres shall be required to include a diversity of housing types.
  - 1. Single-family dwellings shall compose 30% to 80% of the total number of dwelling units with at least 10% from each of the following three categories:
    - a. Single family detached dwellings on 6,000 to 10,000 sq ft lots
    - b. Single family dwellings on 5,000 to 5,999 sq ft lots
    - c. Single family detached dwellings on 4,000 to 4,999 sq f lots
  - 2. Other housing types shall compose 20% to 70% of the total number of dwelling units with a minimum of 5% each of at least three of the following seven categories:
    - a. Duplexes
    - b. Triplexes or quadruplexes
    - c. Cottages
    - d. Zero-Lot Line or Garden Home
    - e. Townhouses or rowhouses
    - f. Dwellings above non-residential space
    - g. Multifamily (more than 4, less than 15 dwelling units per building)
  - 3. No block face shall have more than 55% duplexes, triplexes, quadruplexes,

and/or multifamily units.

- B. Parking for all residential units, including garages, accessed by driveways from the front of the house shall meet the following setback requirements:
  - 1. Garages less than 15 feet wide shall be set back at least 15 feet behind the adjacent front façade.
  - 2. Garages 15 feet or wider shall be set back at least 20 feet behind the adjacent front facade.
- C. All dwelling units shall have a front entrance articulated by a covered front entry at the front of the house.
- D. At least 70% of the single family housing units along a single block shall front the street and have front porches of at least eight feet in depth along at least 50% of the entire front façade of the house, excluding garage width.
- E. The front building set back for single family residential uses shall be located in a "build-to zone" located with a minimum front setback of fifteen (15) feet from the right-of-way and a maximum of twenty (20) feet from the right-of-way. <sup>(1)</sup>

Exceptions to E. above may be allowed on up to 5 % of the lots if site physical constraints cannot be overcome.

## **(2) Multi-Family Residential Uses**

Multi-family (apartment) units may be built on any "UD" district zoned property with the following limits:

- A. Multi-family units may be constructed along any major arterial on the City's Major Thoroughfare Plan, or main street or boulevard, as defined by this Code at a density of 33 units per acre, not to exceed 150 total units per block, and ~~or an average lot depth no greater than 300~~ 400 feet. Section 35-514(e) pertaining to fences for uses adjoining certain residential districts shall not apply.
- B. Multi-family units may be constructed along a collector or avenue not to exceed a density of 15 units per acre, not to exceed 15 total units per block, ~~or an average lot depth greater than 150 feet~~. Section 35-514(e) pertaining to fences for uses adjoining certain residential districts shall not apply.
- C. The front entries of all ground floor multi-family units adjacent to ~~at~~ the collector or arterial street shall ~~must~~ be oriented toward the street.

## **(3) Commercial Uses**

- A. Individual ~~C~~commercial structures with uses permitted ~~uses as indicated~~ in Table 311-2a, Non-Residential Use Matrix, with a ~~an aggregate~~ building footprint of 90,000 square feet or greater shall ~~be permitted on any property~~ located fronting on and within 550 feet of the intersection of the centerlines of two major thoroughfares (including boulevards, main streets and avenues) as defined by the City's Major Thoroughfare Plan, Table 506-1 and Table 506-2.

<p><i>Reference: Sec. 35-506 Transportation and Street Design: Table 506-1, Conventional, and Table 506-2, Traditional, street classifications.</i></p>
---

- B. Individual ~~C~~commercial structures with uses permitted ~~uses as indicated~~ in Table 311-2a, Non-Residential Use Matrix, with a ~~an aggregate~~ building footprint of less

than 90,000 square feet shall be located ~~are allowed on any property~~ fronting on and within 850 feet of the intersection of the center lines of any two major thoroughfares (including boulevards, main streets and avenues) as defined by the City's Major Thoroughfare Plan, Table 506-1 and Table 506-2.

- C. Commercial structures with uses permitted ~~uses as indicated~~ in Table 311-2a with an aggregate building footprint of 6,000 square feet or less are allowed on any property located fronting on ~~along~~ and within 200 feet of the intersection of the center lines of any two collector streets or avenues as defined in Table 506-1 and Table 506-2. ~~The depth shall be a maximum of 150 feet.~~ No drive-through uses/windows are allowed.
- D. For non-residential property adjacent to a main street, avenue, or local street, the maximum allowable setback shall be fifteen (15) feet. Property adjacent to an expressway or parkway shall be exempt from the maximum setback.

\* \* \* \* \*

## **(e) "UD" Non-Residential Building/Site Design**

### **(1) Facades**

Windows and clearly marked public entries that allow for visibility into the commercial building ~~and have accessibility from the street~~ from the street shall be provided along at least 50% of the length of the first floor street frontage and calculated as the area between the first floor and the first floor ceiling or to a height of 15 feet, whichever is less.

## **(f) Signs**

\* \* \* \* \*

- (5) One monument sign not to exceed six (6) feet in height and 32 square feet of sign area per side for single tenant sign, or eight (8) feet in height and 50 square feet of area per side for a multi-tenant sign shall be permitted per parcel or platted lot. ~~Pole mounted signs shall not be allowed, except that directional signs not exceeding three (3) feet in height and four (4) square feet in sign area per side are permitted.~~
- (6) Externally illuminated signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the public right-of-way.
- (7) Prohibited signs:
  - A. Animated, moving, flashing, or rotating signs
  - B. Signs which utilize intermittent or flashing illumination devices, change light intensity, brightness or color, or are constructed and operated to create an appearance of motion.
  - C. Off-premise signs
  - D. Roof signs
  - E. Signs in public rights-of-way
  - F. Pole mounted signs shall not be allowed, except that directional signs not exceeding three (3) feet in height and four (4) square feet in sign area per side are permitted.

\* \* \* \* \*

**(h) UD Natural Resource Protection**

**(1) Riparian**

F. A density bonus of 120% of the base zoning density, as prescribed per Section 35-360, shall be granted for parcels which contain one or more riparian protection buffers. Water bodies are eligible for a density bonus as follows:

1. Greater than ¼ acre surface area but less than 1 acre in size @ 110%
2. 1 acre or more surface area or more @ 120%

To receive the density bonus, the riparian protection buffer must be placed in a dedicated Conservation Easement in accordance with Section 35-203 or dedicated as Parks and Open Space in accordance with Section 35-503(f). The density bonus shall be calculated on the acreage of the entire parcel in which the riparian buffer resides. The parcel acreage shall be based on an existing legal lot of record at the time this Section is effective. Should the parcel be replatted the bonus density shall be calculated on the original parcel acreage, prior to replatting, and recorded on the new plat. Should the lot be subdivided, the bonus density may be distributed among the newly created lots and recorded on the new plats. Under no circumstance may the density bonus exceed 100% of the original calculation.

**(i) "UD" Master Plan Consistency**

Application of the "Flex" districts shall be consistent with the City Council adopted Master Plan governing the subject area. Within the "Flex" district, a landowner may develop any parcel or combination of parcels greater than 20 acres in size as a Flexible Development Plan (FDP) if such FDP complies with the goals and objectives of the City's Comprehensive Master Plan and the development standards and criteria set forth below. The use of a "FDP" under this provision shall be considered in compliance with the adopted Master Plan and requires only ministerial approval of the Flexible Development Plan (Section 35-412) by the Planning Director if it meets the criteria in Table 310.15-5.

An FDP shall follow one of the following two use patterns.

1. The TND pattern requires compliance with the provisions of Section 35-207 and the additional flex standards in the table below.
2. The MXD pattern requires a mix of retail, office, service, and residential uses within a maximum radius of one quarter (1/4) mile in and accordance with section 35-341(b) and the standards set forth in the table below. The standards are based on certain provisions taken from the UD and MI-1 Flex Districts. These standards are to ensure compatibility between uses that are not otherwise allowed and may have more density or intensity than the underlying base zoning.

**Table 310.15-5  
 Flex Development Plan Option**

	Applicable UD Standards	TND Pattern:	Mixed Use Pattern:			
			UD	RD	FR	MI-1
Uses		All Flex Districts				

(a)	<b>Residential</b>	Permitted, except no residential in MI-1 and MI-2 and no multi-family in FR  TND standards apply	Residential uses are permitted  UD Flex standards apply if residential uses are built	Both single family and multi family uses are permitted  Single family maximum at 2 dwelling units per acre  Multifamily uses shall not exceed 25% of the total acreage at 25 dwelling units per acre	Residential density shall not exceed one (1) dwelling unit per five (5) acres  Multi-family uses are not permitted	No residential uses are permitted
		Live –work units allowed	Live –work units allowed	Live –work units allowed	Not applicable	
(b)	<b>Commercial</b>	TND standards apply	<i>Location:</i> Buildings with footprint > 90,000 are allowed only at intersection of Interstate Highway and primary arterial (boulevard) or higher classification			
			Setback standards apply			
(c)	<b>Parks and Open Space</b>	TND standards apply	All UD flex district standards apply			Not applicable. (MI-standards are applicable)
(d)	<b>Building/Site Design</b>	TND standards apply	All UD Flex district standards apply			
(e)	<b>Signs</b>	All UD flex district standards apply				
(f)	<b>Buffers</b>	All UD flex district standards apply, except for uses adjoining collector streets in UD, RD, and FR districts and arterial streets in UD districts	All UD flex district standards apply, except for uses adjoining collector and arterial streets	All UD flex district standards apply except for uses adjoining collector streets.		All UD flex district standards apply
(g)	<b>Resource Protection</b>	All UD Flex district standards apply				
(h)	<b>Petroleum and Gas</b>	All UD Flex district standards apply				
(i)	<b>Blocks, Streets, and Parking</b>					
	(c)(1) Blocks	TND standards apply	UD Flex standards apply	UD Flex standards apply for multifamily	Not applicable.	
	(c (2) Lots	Lot dimensions are not applicable (developer not choosing to utilize pre-existing lot standards)				
	(c)(3) Streets	TND standards apply	UD Flex standards apply	UD Flex district standards apply except connectivity ratio shall be 1.5 and collectors exempt from traditional street design standards	UD Flex district standards apply except exempt from traditional street standards of UDC, and connectivity ratio does not apply	
	(c )(4) Sidewalks and Pedestrian Circulation	TND standards apply	All UD Flex district standards apply			
	(c )(5) Parking and Loading	TND standards apply.	All UD Flex district standards apply.			

	Applicable MI-1 Standards	TND Pattern:	Mixed Use Pattern:			
			UD	RD	FR	MI-1
	Standards Referenced in MI-1 District	<b>All Flex Districts</b>				
(a)	(c) (3) Minimum building setback requirements.	Applies to MI-1 district only	Not applicable (industrial uses not allowed)			MI-1 flex standards apply
(b)	(c) (4) Wireless communication transmission tower setback		MI-1 flex standards apply			
(c)	Parks and Open Space		Not applicable. (industrial uses not allowed)			MI-1 flex standards apply
(d)	(e) Building Design and Articulation	Applies to MI-1 district only	Not applicable. (industrial uses not allowed)			MI-1 flex standards apply

Chapter 35, Article III, Section 35-310.16(e) is amended as follows:

**(e) "RD" Non-Residential Building/Site Design**

Non-residential buildings Buildings set back thirty-five (35) feet or less from common property lines or street rights-of-ways shall comply with the standards for "UD" districts. Non-residential buildings Buildings in "RD" districts set back more than 35 feet from common property lines or street rights-of-ways are exempt from these provisions.

Chapter 35, Article III, Section 35-310.17(e) is amended as follows:

**(e) "FR" Non-Residential Building/Site Design & Articulation** - (no additional standards are required for non-residential buildings).

(1) Lighting - (same as "UD" district except only Subsections 35-310.15(e)(5)A, B, C, and F apply to a Village Center).

Chapter 35, Article III, Sections 35-310.18(b)(3)B, 35-310.18(b)(3)J, 35-310.18(c)(5) and 35-310.18(j)(13)A are amended as follows:

**35-310.18 Mixed Light Industrial "MI-1"**

**(b) "MI-1" Uses & Conditions**

\* \* \* \* \*

**(3) Commercial Uses**

A Village Center is required. Table 311-2a indicates uses that may be permitted, provided such sites are designed as a Village Center in accordance with the following standards:

\* \* \* \* \*

B. The ground floor to area ratio (FAR) shall not exceed 35%. The ground Ground FAR shall include the plaza, square or public open space.

\* \* \* \* \*

J. Parking for shall be located at the sides and rear of buildings. Parking requirement shall be a minimum of one (1) space per 500 GFA.

\* \* \* \* \*

**(c) "MI-1" Blocks, Lots, Streets, Sidewalks, Parking & Loading Design** Same as "RD" district, Section 35-310.16(c) with the following exceptions:

\* \* \* \* \*

**(5) Off-Street Loading**

- A. Principal vehicle access to and from the site shall be from a primary driveway.
- B. All loading berths shall be located on the same lot as the building or use to be served, shall be located either behind the building or at the sides of a building if fully screened from public rights-of-way, and shall not occupy the required front yard setback area.
- C. ~~Loading docks shall be screened from the public right of way.~~

**(j) "MI-1" Performance Standards**

\* \* \* \* \*

**(13) Petroleum and Natural Gas Extraction and Production**

- A. General. The operator is responsible for compliance with this section during all operations at the well. Any violation of any valid law or of any valid rule, regulation or requirement of any city, state or federal regulatory body having jurisdiction with reference to drilling, completing, equipping, operating, producing, maintaining, or abandoning oil or gas wells or related appurtenances, equipment or facilities or with reference to firewall, fire protection, blow out protection or safety of persons or property shall be in violation of this section.

Chapter 35, Article III, Section 35-311, Tables 311-1, 311-1a, 311-2, and 311-2a are amended as follows:

**35-311 Use Regulations**

\* \* \* \* \*

**Table 311-1  
Residential Use Matrix**

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-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Day Care Center (Commercial Or Nonprofit)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562	
Day Care, Home (no more than 6 children)	p	p	p	p	p	p	p	p	p	p							P	6562	
Day Care, Group Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562	
Group Day Care Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562	
Dwelling - Hud-Code Manufactured Homes (Residential) (Requires "MH" Special District zoning)	S	S	S	S	S	S	S	S	S	S	S	S					P	1000	1150

**Table 311-1a  
Residential Use Matrix**

	Urban	Rural	Farm & Ranch	Mixed Industrial
PERMITTED USE				
Accessory Uses (Supplemental To The Residential Use)	P	P	P	
Assisted Living Or Elderly Home	P	S		
Athletic Fields (Non-Commercial & Supplemental To The Residential Use)	See Non-Residential Matrix			
Automobile Noncommercial Parking (Board Of Adjustment)	See Non-Residential Matrix			
Bed And Breakfast	P	P	P	
Cemetery Or Mausoleum	See Non-Residential Matrix			
Child - Care Institution (Basic)	S	S		
Church, Temple, Mosque	See Non-Residential Matrix			
Daycare Center (Commercial Or Nonprofit)	S	S		
Dwelling - 1 Family (Attached Or Townhouse)	P			
Dwelling - 1 Family (Detached)	P	P	P	
Dwelling - 2 Family	P			
Dwelling - 3 Family	P			
Dwelling - 4 Family	P			
Dwelling - Accessory (Carriage Houses, Granny Flats, Echo Homes)	P	P	P	
Dwelling - College Fraternity (Off Campus)	P	S	S	
Dwelling - School Dormitories Or Housing (Off Campus)	P	S	S	
Dwelling — ONE FAMILY HUD-Code Manufactured Homes (Residential)		P	P	

**Table 311-2  
Non-Residential Use Matrix**

TABLE 311-2 NON-RESIDENTIAL USE MATRIX
--

PERMITTED USE		O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Auto	Auto – Rental						P		P	P	P	NA	
Auto	Auto – Rental (pick up and drop off only)					P	P	P	P	P		P	
Auto	Carwash					S	P		P	P		S	2110
Auto	Auto – Rental (Pickup & Drop Off only in "C-2")					P	P	P	P	P		P	
Auto	Carwash – (Automatic and Attendant Operated)					S	P		P	P		S	2440
Auto	Carwash – (Automatic, Self Service Drive Thru)					S	P		P	P		S	2440
Processing	Recycling Facility without outside storage and/or processing									P	P	S	
Processing	Recycling Facility with outside storage and/or processing										P	NA	
Retail	Convenience Ice House – Retail Convenience Store			P	P	P	P	P	P			P	2152
Retail	Convenience Store (with gasoline)					P	P	S	P	P	P	NA	2152
Retail	Convenience Store – W/Gas Sales					P	P	S	P				
Retail	Convenience Store (with carwash)					S	P		P	P	P	S	2152
Retail	Convenience Store (with gasoline and carwash)					S	P		P	P	P	NA	2152
Service	Gasoline Filling Station (without repair or carwash)					P	P	S	P	P	P	NA	2116
Service	Gasoline Filling Station (with repair)						P		P	P	P	NA	
Service	Gasoline Filling Station (with repair and/or carwash)					S	P	S	P	P	P	NA	
Service	Gasoline Filling Station – Fleet						S		P	P	P	NA	
Service	Truck Wash (laundry) - (without attendant on site)									P	P	NA	2116
Service	Truck Wash (laundry) - (with attendant on site)								P	P	P	NA	2116
Service	Gasoline Filling Station – ( With Repair Service And/Or Car Wash)						P	S	P	P		NA	2446
Service	Gasoline Filling Station – without repair service (car wash allowed)					S	P	S	P	P		NA	2446
Warehousing	Warehousing							S	P	P	P	SP	3600

Table 311-2a  
Non-Residential Use Matrix

		Urban			Rural			Farm		Mixed Light Industrial		
		> 90,000 sf	< 90,000 sf	< 6,000 sf	blgld footprint > 90,000 sf	< 90,000 sf	< 6,000 sf	FR	VILLAGE CENTER –	MI - 1	MI-1 < 3,000 sf	VILLAGE CENTER - M1
Auto	Carwash	P	P		P	P				P		
Auto	Carwash – Automatic And Attendant Operated	P	P		P	P				P		
Auto	Carwash – Automatic Self Service Drive Thru	P	P		P	P				P		
Auto	Carwash – Self Service	P	P		P	P				P		
Auto	Carwash - ( Attendant on site (car wash & vacuum to be located no less than 100 feet from closest residential property line.)	P	P		P	P				P		
Auto	Carwash – (self service or automatic drive-thru facility)(car wash & vacuum to be located no less than 100 feet from closest residential property line.)	P	P		P	P				P		
Auto	Auto – rental	P	P		P	P						P
Auto	Auto – rental (pickup and drop off only)	P	P		P	P						P
Retail	Convenience Store (with gasoline)	P	P		P	P					P	P
Retail	Convenience Store (with carwash)	P	P		P	P					P	P
Retail	Convenience Store (with gasoline and carwash)	P	P		P	P					P	P
Retail	Convenience Store (with gasoline sales and/or single bay car wash ) (car wash & vacuum to be located no less than 100 feet from closest residential property line.)	P	P		P	P					P	P
Retail	Convenience Store – (without gasoline sales	P	P	P	P	P	P				P	P

	and/or car wash)											
Service	Gasoline Filling Station (without repair or carwash allowed)	P	P			P	P			P	P	
Service	Gasoline Filling Station (with repair)	S				S					P	P
Service	Gasoline Filling Station (with repair and/or carwash)	S	P			SP	P			P	P	
Service	Gasoline Filling Station – Fleet										P	
Service	Gasoline Filling Station – W/O Repair Service (Car Wash Allowed)	P	P			P	P			P	P	
Service	Gasoline Filling Station – With Repair Service And/Or Car Wash	P	P			P	P			P	P	
Service	Gasoline Filling Station – (with or without attendant on site with repair service and/or single bay car wash) (car wash & vacuum to be located no less than 100 feet from closest residential property line.)	P	P			P	P			P	P	
Service	Gasoline Filling Station - (with or without attendant on site, vending machines, and single bay car wash allowed) (car wash & vacuum to be located no less than 100 feet from closest residential property line.)	P	P			P	P			P	P	
Service	Truck Wash (laundry) - (without attendant on site)										P	
Service	Truck Wash (laundry) - (with attendant on site)										P	

Chapter 35, Article III, 35-334 is amended by deleting Section 35-334 in its entirety and replacing with a new Section 35-334 adopted by Ordinance No. 93843 to reflect the changes adopted therein, to correct typographical errors, and to index, format and number paragraphs to conform to the existing code as follows:

### 35-334 Military Airport Overlay Zones

The City of San Antonio has designated the Military Airport Overlay Zones in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. The Military Airport Overlay Zones are intended to:

- (a) Guide, control, and regulate future growth and development.
- (b) Promote orderly and appropriate use of land.
- (c) Protect the character and stability of existing land uses.
- (d) Enhance the quality of living in the areas affected.
- (e) Protect the general economic welfare by restricting incompatible land uses.
- (f) Prevent the establishment of any land use which would endanger aircraft operations and the continued use of military airports.

#### **(a) Definitions and Boundaries.**

**(1) Definitions.** For the purpose of this subdivision, the following terms shall have the meaning given in this section:

**Clear Zone:** The area at the ends of the runways of military airports that measures three thousand (3,000) feet by three thousand (3,000) feet in length and width. Beyond the Clear Zone, the city has designated two (2) Military Overlay Zones (see diagram):

**Military Airport Overlay Zone 1 (MAOZ-1):** The area that extends approximately five thousand (5,000) feet in length and three thousand (3,000) feet in width beyond the Clear Zone.

**Military Airport Overlay Zone 2 (MAOZ-2):** The area that extends approximately seven thousand (7,000) feet in length and three thousand (3,000) feet in width beyond District 1.

**Official map:** The specific boundaries of the Military Airport Overlay Zones are shown on the official zoning map maintained in the department of planning.

**(b) Zoning classification.**

**(1) Overlay district.** The Military Airport Overlay Zones are designed as overlays to the regular zoning districts. Property located within these districts must also be designated as being within one of the regular zoning districts. Authorized uses must be permitted in both the regular zoning district and the overlay district and must comply with height, yard, area, and parking requirements of the regular zoning district.

**(2) Zoning designation.** The zoning designation of property located within the Military Airport Overlay Zones shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned B-1 and is also located within District 2, the zoning designation of the property would be B-1 (MAOZ-2). In effect, the designation of property as being within a Military Airport Overlay Zone places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.

**(c) Uses.**

**(1) Permitted uses.** The following uses are permitted within the Military Airport Overlay Zones, subject to the limitations indicated in the Military Airport Overlay Zone Permitted Use Table and the conditions set forth for in Section 35-334(e), Visual and Electrical Interference and Storage of Flammables:

**Table 334-1**  
**Military Airport Overlay Zone Permitted Uses**

<b><u>MAOZ PERMITTED USE</u></b>	<b><u>MAOZ-1</u></b>	<b><u>MAOZ-2</u></b>
<u>Single Family Residence (minimum one dwelling unit per acre)</u>		P
<u>ALCOHOL - retail sales</u>	P4	P7
<u>RACING - auto or truck track</u>		P1
<u>ANIMAL - equestrian center and riding trails</u>	P	P
<u>ANIMAL - pound or shelter</u>	P	P
<u>BREEDER - small animal only</u>	P	P
<u>CEMETERY - pets (limited to small animals)</u>	P	P
<u>DOG TRAINING - indoor</u>	P	P
<u>DOG TRAINING - outdoor permitted</u>	P	P
<u>KENNEL - boarding &amp; breeding (see health &amp; environmental)</u>	P	P
<u>PET GROOMING - small animals only</u>	P	P
<u>SMALL ANIMAL CLINIC - no outside runs</u>	P	P
<u>SMALL ANIMAL HOSPITAL - outside runs are permitted</u>	P	P
<u>STOCKYARD</u>	P	P
<u>VETERINARY HOSPITAL - large &amp; small animal (outside runs, pens &amp; paddocks permitted)</u>	P	P
<u>VETERINARY HOSPITAL - large &amp; small animal (no outside runs, pens &amp; paddocks permitted)</u>	P	P
<u>VETERINARY HOSPITAL - small animal (outside runs, pens &amp; paddocks permitted)</u>	P	P
<u>VETERINARY HOSPITAL - small animals (no outside runs, pens &amp; paddocks permitted)</u>	P	P
<u>TRUCK &amp; HEAVY EQUIPMENT - auction</u>	P	P
<u>AMBULANCE SERVICE</u>	P	P

**NJH: 12-09-04 Amended  
Item No. 55**

<u>AUTO - glass tinting</u>	P	P
<u>AUTO - manufacture</u>	P	P
<u>AUTO &amp; LIGHT TRUCK - oil, lube &amp; tune up</u>	P	P
<u>AUTO &amp; LIGHT TRUCK AUCTION</u>	P	P
<u>AUTO &amp; VEHICLE SALES - new and used-small scale (no more than 15 vehicles currently licensed and in running condition on site at any given time for storage and/or sale</u>	P	P
<u>AUTO &amp; VEHICLE SALES - new and used-large scale</u>	P	P
<u>AUTO ALARM &amp; RADIO - retail (install. incidental to sales)</u>	P4	P7
<u>AUTO GLASS SALES - installation permitted</u>	P4	P7
<u>AUTO MUFFLER SALES - installation permitted</u>	P4	P7
<u>AUTO PAINT &amp; BODY - repair with outside storage limited to 3 vehicles (all outside storage of parts to be totally screened)</u>	P	P
<u>AUTO PAINT &amp; BODY - repair with outside storage of vehicles and parts permitted but totally screened from view of adjacent property owners and public roadways</u>	P	P
<u>AUTO PARTS RETAIL - no outside storage</u>	P4	P7
<u>AUTO PARTS RETAIL - w/installation &amp; no outside storage</u>	P4	P7
<u>AUTO STATE VEHICLE INSPECTION STATION</u>	P	P
<u>AUTO UPHOLSTERY - sales and installation completely enclosed</u>	P	P
<u>CARWASH - automatic and attendant operated</u>	P	P
<u>CARWASH - automatic self service drive-thru</u>	P	P
<u>CARWASH - self service</u>	P	P
<u>LIMOUSINE SERVICE -dispatch &amp; office use only no servicing of vehicles onsite</u>	P	P
<u>PARKING &amp; TRANSIENT VEHICLE STORAGE - related to a delivery ( auto, truck, trailer &amp; marine)(each vehicle limited to 24 hours maximum parking time within any 48 hour period)</u>	P	P
<u>PARKING AND/OR STORAGE - long term</u>	P2	P
<u>PARKING LOT - noncommercial</u>	P2	P
<u>PARKING LOT or GARAGE - commercial</u>	P2	P
<u>TAXI SERVICE - parking &amp; dispatch (no washing or mechanical service permitted)</u>	P	P
<u>TAXI SERVICE - parking &amp; dispatch (washing or mechanical service permitted)</u>	P	P
<u>TIRE REPAIR - auto &amp; small truck</u>	P	P
<u>TRUCK REPAIR &amp; MAINTENANCE</u>	P	P
<u>TRUCK STOP OR LAUNDRY - full mechanical service &amp; repair permitted</u>	P	P
<u>TRUCK STOP OR LAUNDRY - tire repair permitted</u>	P	P
<u>VEHICLE STORAGE - see "AUTO PARKING AND/OR STORAGE LONG TERM"</u>	P	P
<u>WRECKER SERVICE</u>	P	P
<u>BEVERAGE MANUFACTURE - non-alcohol</u>	P	P
<u>DRY GOODS - wholesale</u>	P	P
<u>BATCHING PLANT</u>	P3	P3
<u>BATCHING PLANT - temporary in ( 6 months maximum)</u>	P3	P3
<u>BOOKBINDER</u>	P3	P3
<u>CABINET or CARPENTER SHOP</u>	P3	P3
<u>CAN RECYCLE COLLECTION STATION - no shredding</u>	P3	P3
<u>COFFEE ROASTING</u>	P3	P3
<u>CONTRACTOR FACILITY</u>	P3	P3
<u>CREAMERY</u>	P3	P3
<u>DRY CLEANING - plant</u>	P3	P3
<u>LAUNDRY - plant</u>	P3	P3
<u>LUMBER YARD and BUILDING MATERIALS</u>	P3	P3
<u>MACHINE SHOP</u>	P3	P3
<u>PECAN SHELLING</u>	P3	P3
<u>RUG CLEANING</u>	P3	P3
<u>WELDING SHOP - limited to three employees &amp; screening of outside storage</u>	P3	P3
<u>ABRASIVE - manufacturing</u>	P3	P3
<u>AIR PRODUCTS - manufacturing</u>	P3	P3
<u>ARTIFICIAL LIMB ASSEMBLY</u>	P3	P3
<u>ASBESTOS PRODUCTS - manufacturing</u>	P3	P3
<u>ASPHALT PRODUCTS - manufacturing</u>	P3	P3
<u>BAG CLEANING</u>	P3	P3
<u>BATTERY - manufacturing</u>	P3	P3
<u>BEVERAGE - manufacturing or processing</u>	P3	P3

<u>BIOMEDICAL PRODUCTS - manufacturing</u>	P3	P3
<u>BOAT &amp; MARINE - manufacturing</u>	P3	P3
<u>BOILER and TANK WORKS</u>	P3	P3
<u>BROOM, BRUSH - manufacturing</u>	P3	P3
<u>BUILDING SPECIALTIES - wholesale outside storage permitted</u>	P3	P3
<u>BULK PLANT or TERMINAL</u>	P3	P3
<u>CANDLE - manufacturing</u>	P3	P3
<u>CANDY - manufacturing</u>	P3	P3
<u>CANVAS PRODUCTS - manufacturing</u>	P3	P3
<u>CLOTHING MANUFACTURE - non-chemical process</u>		P3
<u>CONCRETE PRODUCTS - manufacturing</u>	P3	P3
<u>COTTON COMPRESS, GINNING and BAILING</u>	P3	P3
<u>DRUG - manufacturing</u>	P3	P3
<u>ELECTRONIC COMPONENT - manufacturing</u>	P3	P3
<u>FELT PRODUCTS - manufacturing</u>		P3
<u>GLASS MANUFACTURE</u>	P3	P3
<u>GRAIN - drying</u>	P3	P3
<u>GRAIN - milling</u>	P3	P3
<u>FISH HATCHERY</u>	P3	P3
<u>HOSIERY - manufacturing</u>		P3
<u>ICE CREAM - manufacturing</u>	P3	P3
<u>ICE PLANT - manufacturing &amp; processing</u>	P3	P3
<u>INSULATION PRODUCTS - manufacturing &amp; processing</u>	P3	P3
<u>JUNKYARD or SALVAGE YARD</u>	P3	P3
<u>MATTRESS - manufacturing &amp; rebuilding</u>		P3
<u>METAL FORGING or ROLLING MILL</u>	P3	P3
<u>METAL PRODUCTS - fabrication</u>	P3	P3
<u>MILLINERY - manufacturing</u>		P3
<u>MILLWORK &amp; WOOD PRODUCTS - manufacturing</u>	P3	P3
<u>MOVING and TRANSFER COMPANY - with trucks attached to trailers for a total exceeding 24 feet in length</u>	P3	P3
<u>NOVELTY and SOUVENIR - manufacture</u>	P3	P3
<u>OFFICE EQUIPMENT, FURNITURE - manufacture</u>	P3	P3
<u>OIL WELL SUPPLIES and MACHINERY - manufacturing.</u>	P3	P3
<u>PACKING and GASKET - manufacturing</u>	P3	P3
<u>PACKING PLANT - no rendering</u>	P3	P3
<u>PAPER PRODUCTS - manufacturing</u>	P3	P3
<u>PIPE STORAGE</u>	P3	P3
<u>PLANING MILL</u>	P3	P3
<u>PLASTIC / VINYL - manufacturing or processing</u>	P3	P3
<u>PLAYGROUND EQUIPMENT - manufacturing</u>	P3	P3
<u>POULTRY PROCESSING - caged hen operation</u>	P3	P3
<u>POULTRY PROCESSING &amp; LIVE POULTRY STORAGE - completely enclosed</u>	P3	P3
<u>PROCESSING - other than food</u>	P3	P3
<u>REFRIGERATION EQUIPMENT - manufacturing</u>	P3	P3
<u>RENDERING PLANT</u>	P3	P3
<u>SAND or GRAVEL - storage &amp; sales</u>	P3	P3
<u>SHOE - manufacturing</u>		P3
<u>SHOE - wholesale (manufacturing permitted)</u>		P3
<u>SHOE POLISH - manufacturing</u>	P3	P3
<u>SIGN MANUFACTURE</u>	P3	P3
<u>STONE CURING, MONUMENT - manufacturing</u>	P3	P3
<u>STORAGE - outside (open with no screening required)</u>	P3	P3
<u>STORAGE - outside (screening from public ROWs and adjacent property required)</u>	P3	P3
<u>TEXTILE - manufacturing</u>	P3	P3
<u>TILE - manufacturing</u>	P3	P3
<u>TILE , ROOFING &amp; WATERPROOFING PRODUCTS - manufacturing</u>	P3	P3
<u>TOBACCO - processing</u>	P3	P3
<u>TOOL - manufacturing</u>	P3	P3
<u>TOY - manufacturing</u>	P3	P3

<u>TRAILER - manufacturing</u>	P3	P3
<u>VENETIAN BLIND - cleaning &amp; fabrication</u>	P3	P3
<u>VULCANIZING, RECAPPING</u>	P3	P3
<u>WATER DISTILLATION</u>	P3	P3
<u>WELL DRILLING CONTRACTOR</u>	P3	P3
<u>WIRE PRODUCTS - manufacturing</u>	P3	P3
<u>WOOD PROCESSING by CREOSOTING or OTHER PRESERVING TREATMENT</u>	P3	P3
<u>WOOL PULLING and SCOURING</u>	P3	P3
<u>MEDICAL - surgical supplies wholesale</u>	P	P
<u>AERIAL SURVEY - Administrative offices no on-site flight services</u>	P	P
<u>OFFICE</u>	P4	P7
<u>FLORIST - wholesale</u>	P	P
<u>LANDSCAPING MATERIALS - sales &amp; storage</u>	P	P
<u>NURSERY - plant wholesale onsite growing permitted</u>	P	P
<u>PRINTER - large scale other than quick print</u>	P	P
<u>COSMETICS - manufacturing or processing</u>	P	P
<u>FOOD &amp; FOOD PRODUCTS - processing</u>	P	P
<u>PUNCH CONCENTRATE - processing &amp; mixing</u>	P	P
<u>PUNCH CONCENTRATE PRODUCTS - mixing only</u>	P	P
<u>ARCHERY RANGE - outdoor</u>	P	P
<u>ARCHERY RANGE - indoor</u>	P	P
<u>ATHLETIC FIELDS</u>	P	P
<u>GOLF COURSE - private (see residential use table)</u>	P9	P
<u>GOLF COURSE - public</u>	P9	P
<u>GOLF DRIVING RANGE</u>	P9	P
<u>RIFLE &amp; PISTOL RANGE - indoor</u>	P	P
<u>STABLE &amp; EQUESTRIAN CENTER</u>	P	P
<u>TENNIS, RACQUETBALL or HANDBALL - private (outside courts permitted)</u>	P9	P
<u>TENNIS, RACQUETBALL or HANDBALL - public (outside courts not permitted)</u>	P9	P
<u>TENNIS, RACQUETBALL or HANDBALL - public (outside courts permitted)</u>	P9	P
<u>TENNIS, RACQUETBALL or HANDBALL -private (outside courts not permitted)</u>	P9	P
<u>AIR CONDITIONERS - retail</u>	P4	P7
<u>ANTIQUE STORE - retail</u>	P4	P7
<u>APOTHECARY - see (DRUGSTORE - apothecary)</u>	P4	P7
<u>APPAREL &amp; ACCESSORY STORE - retail</u>	P4	P7
<u>APPLIANCE - retail</u>	P4	P7
<u>ART GALLERY</u>	P4	P7
<u>BAKERY - retail</u>	P4	P7
<u>BOOKSTORE</u>	P4	P7
<u>BUILDING SPECIALTIES - retail outside storage permitted</u>	P4	P7
<u>BUSINESS MACHINES - retail</u>	P4	P7
<u>CAMERA, PHOTOGRAPHIC EQUIPMENT &amp; SUPPLIES - retail</u>	P4	P7
<u>CANDY, NUT and CONFECTIONERY - retail</u>	P4	P7
<u>CATERING SHOP</u>	P4	P7
<u>CONVENIENCE ICE HOUSE - retail convenience store</u>	P4	P7
<u>CONVENIENCE STORE - w/ gas sales</u>	P4	P7
<u>DAIRY PRODUCTS - retail</u>	P4	P7
<u>DRUGSTORE - apothecary</u>	P4	P7
<u>DRY GOODS - retail</u>	P4	P7
<u>FARM SUPPLIES</u>	P4	P7
<u>FEED, SEED, FERTILIZER SALES - no outside storage</u>	P4	P7
<u>FISH MARKET - retail</u>	P4	P7
<u>FLOOR COVERING - retail</u>	P4	P7
<u>FLORIST - retail</u>	P4	P7
<u>FOOD LOCKER PLANT - retail</u>	P4	P7
<u>FOOD STORE</u>	P4	P7
<u>FRUIT and PRODUCE - retail</u>	P4	P7
<u>FURNITURE SALES - retail</u>	P4	P7
<u>GIFT SHOP - retail</u>	P4	P7
<u>GLASS - retail</u>	P4	P7

<u>GROCERY STORE - retail</u>	P4	P7
<u>HARDWARE SALES - retail</u>	P4	P7
<u>HEAD SHOP</u>	P4	P7
<u>HOBBY STORE - retail</u>	P4	P7
<u>HOME IMPROVEMENT CENTER</u>	P4	P7
<u>JEWELRY STORE - retail</u>	P4	P7
<u>LEATHER GOODS or LUGGAGE STORE - retail</u>	P4	P7
<u>MEDICAL - surgical supplies retail</u>	P4	P7
<u>MILLINER - custom</u>	P4	P7
<u>NEWSSTAND</u>	P4	P7
<u>NURSERY - retail (growing plants on site permitted)</u>	P4	P7
<u>NURSERY - retail (no growing plants on site permitted)</u>	P4	P7
<u>OFFICE EQUIPMENT and SUPPLY - retail</u>	P4	P7
<u>PAINT and WALLPAPER STORE - retail &amp; wholesale</u>	P4	P7
<u>PET SHOP - retail</u>	P4	P7
<u>PLUMBING FIXTURES - retail</u>	P4	P7
<u>RUG or CARPET - retail</u>	P4	P7
<u>SECONDHAND MERCHANDISE - retail no outside storage or display of inventory permitted)</u>	P4	P7
<u>SHOE - retail</u>	P4	P7
<u>SILK SCREENING - retail</u>	P4	P7
<u>SPORTING GOODS - retail</u>	P4	P7
<u>STAMPS and COIN SALES - retail</u>	P4	P7
<u>STATIONARY PRODUCTS - retail</u>	P4	P7
<u>TAMALE - preparation retail</u>	P4	P7
<u>THRIFT STORE - retail see (SECONDHAND MERCHANDISE)</u>	P4	P7
<u>TOBACCO STORE - retail</u>	P4	P7
<u>TOY STORE - retail</u>	P4	P7
<u>TROPHY SALES, ENGRAVING &amp; ASSEMBLY</u>	P4	P7
<u>VARIETY STORE - retail</u>	P4	P7
<u>MACHINERY, TOOLS &amp; CONSTRUCTION EQUIPMENT SALES &amp; SERVICE</u>	P	P
<u>FARM EQUIPMENT SALES, SERVICE or STORAGE</u>	P	P
<u>OIL WELL SUPPLIES and MACHINERY SALES - used</u>	P	P
<u>PORTABLE BUILDING SALES</u>	P	P
<u>AIR CONDITIONING / REFRIGERATION - service &amp; repair</u>	P4	P7
<u>ALTERING/REPAIR OF APPAREL</u>	P4	P7
<u>APPLIANCE - repair major</u>	P4	P7
<u>APPLIANCE - repair small</u>	P4	P7
<u>BANK, SAVINGS and LOAN</u>		P6
<u>BARBER or BEAUTY SHOP</u>	P4	P7
<u>BICYCLE - repair</u>	P4	P7
<u>BOAT &amp; MARINE - sales, service (outside storage not permitted)</u>	P	P
<u>BOAT &amp; MARINE - storage (outside permitted)</u>	P	P
<u>BODY PIERCING</u>	P4	P7
<u>CEMETERY or MAUSOLEUM</u>	P5	P5
<u>COPY OR BLUEPRINTING - example "Quick Print"</u>	P4	P7
<u>COPY SERVICE - blueprinting and photocopying</u>	P4	P
<u>COSMETICS - permanent</u>	P4	P7
<u>DELICATESSEN</u>	P4	P7
<u>DRY CLEANING - limited to five employees</u>	P4	P7
<u>DRY CLEANING - pickup station only</u>	P4	P7
<u>ELECTRIC REPAIR - heavy equipment</u>	P3,4	P3, 7
<u>ELECTRIC REPAIR - light equipment</u>	P3,4	P3, 7
<u>ELECTRONIC EQUIPMENT - repair</u>	P3,4	P3, 7
<u>ELEVATOR MAINTENANCE - service</u>	P4	P
<u>EXTERMINATORS</u>	P4	P7
<u>FOOD - restaurant or cafeteria</u>	P4	P4
<u>FURNITURE REPAIR / UPHOLSTERING</u>	P4	P7
<u>GASOLINE FILLING STATION - w/o repair service (car wash allowed)</u>	P4	P7
<u>GASOLINE FILLING STATION - with repair service and/or car wash</u>	P4	P7
<u>GUNSMITH</u>	P4	P7

<u>JANITORIAL / CLEANING SERVICE</u>	P4	P7
<u>LABORATORY - research</u>	P3,4	P3, 7
<u>LABORATORY - testing</u>	P3,4	P3, 7
<u>LAUNDRY and DRY CLEANING - self service</u>	P4	P7
<u>LAUNDRY- limited to max of five employees</u>	P4	P7
<u>LAUNDRY or DRY CLEANING - pickup station only</u>	P4	P7
<u>LAWNMOWER REPAIR</u>	P4	P7
<u>LINEN or UNIFORM SUPPLY, DIAPER SERVICE (pickup &amp; supply only)</u>	P4	P7
<u>LOAN OFFICE</u>		P7
<u>LOCKSMITH</u>	P4	P7
<u>MANUFACTURED HOME / OVERSIZE VEHICLE SALES, SERVICE or STORAGE</u>	P	P
<u>MASSAGE - palor</u>	P4	P7
<u>MASSAGE - therapeutic</u>	P4	P7
<u>MINI WAREHOUSE - over 2.5 AC.</u>	P	P
<u>MORTUARY - embalming and preparation only</u>	P4	P7
<u>PALM READING</u>	P4	P7
<u>PAWN SHOP</u>	P4	P7
<u>PICTURE FRAMING</u>	P4	P7
<u>POST OFFICE</u>	P4	P4
<u>REDUCING SALON</u>	P4	P7
<u>SHOE - repair</u>	P4	P7
<u>SIGN SHOP - no outside storage</u>	P4	P7
<u>STUDIO - fine or performing arts</u>		P7
<u>STUDIO - interior decorating</u>	P4	P7
<u>STUDIO - photographic</u>	P4	P7
<u>STUDIO - sound &amp; recording</u>		P7
<u>TAILOR SHOP</u>	P4	P7
<u>TATTOO PARLOR/STUDIO</u>	P4	P7
<u>TAXIDERMIST</u>	P	P
<u>TOOL RENTAL - fenced &amp; screened outside storage permitted</u>	P4	P7
<u>TOOL RENTAL - outside storage permitted</u>	P4	P7
<u>TREE CUT &amp; TRIM SERVICE</u>	P	P
<u>WATCH REPAIR</u>	P4	P7
<u>CARTING, CRATING, HAULING, STORAGE</u>	P	P
<u>COLD STORAGE PLANT</u>	P	P
<u>FUR DYEING, FINISHING and STORING</u>	P	P
<u>ICE CREAM TRUCK STORAGE</u>	P	P
<u>MOVING COMPANY</u>	P	P
<u>STORAGE - outside (under roof and screened)</u>	P	P
<u>FREIGHT DEPOT</u>	P	P
<u>TELEPHONE EQUIPMENT INFRASTRUCTURE</u>	P8	P8
<u>WIRELESS COMMUNICATION SYSTEMS</u>	P8	P8
<u>SANITARY LANDFILL, SOLID WASTE FACILITY</u>	P	P
<u>OFFICE WAREHOUSE</u>	P	P
<u>WAREHOUSING - no outside storage permitted</u>	P	P
<u>BAKERY - wholesale</u>	P	P
<u>BARBER and BEAUTY EQUIPMENT - wholesale</u>	P	P
<u>CAMERA, PHOTOGRAPHIC EQUIPMENT &amp; SUPPLIES - wholesale</u>	P	P
<u>DAIRY EQUIPMENT SALES - wholesale</u>	P	P
<u>DAIRY PRODUCTS - wholesale</u>	P	P
<u>DRUG SALES - wholesale</u>	P	P
<u>FISH MARKET - wholesale</u>	P	P
<u>FOOD PRODUCTS - wholesale &amp; storage</u>	P	P
<u>FRUIT and PRODUCE - wholesale</u>	P	P
<u>FURNITURE SALES - wholesale</u>	P	P
<u>GLASS - wholesale</u>	P	P
<u>GROCERY - wholesale</u>	P	P
<u>HARDWARE SALES - wholesale</u>	P	P
<u>OFFICE EQUIPMENT and SUPPLY - wholesale</u>	P	P
<u>PAPER SUPPLIES - wholesale</u>	P	P

PLUMBING FIXTURES - wholesale  
SHOE - wholesale no manufacturing  
SPORTING GOODS - wholesale  
STONE MONUMENT - retail & wholesale  
TAMALE - preparation wholesale

P  
P  
P  
P  
P4  
P  
P  
P  
P7

1 With no public assembly.

2 Maximum 100 parking spaces.

3 No industrial or manufacturing uses will be allowed if operations emit into the air any substance which would impair the visibility or otherwise interfere with the operation of aircraft, e.g., steam, dust, smoke. Nor will any use be allowed which would interfere with aircraft communication systems or navigational equipment through electrical disturbances.

4 Building size is limited to maximum 3,000 sq. ft.

5 Excludes chapels.

6 Low-intensity office use only.

7 Building size limit in MAOZ-2 is 250,000 sq. ft.

8 With height restrictions.

9 With no clubhouses.

**(2) Prohibited Uses:**

- A. Residential uses, except as provided for in Section 35-334(d), Exceptions for Residential Uses.
- B. All other uses not permitted under Subsection (a) of this section.

**(3) Military Airport Overlay Zone 1 size limitation.** Any retail, office or personal service use that is permissible in the MAOZ-1 may not exceed 3,000 square feet in total floor area. Front, rear and side yard setbacks of 20 feet shall be required on all lots. There shall be a separation of at least 20 feet between each such use.

**(4) Military Airport Overlay Zone 2 size limitation.** Any retail, office or personal service use that is permissible in the MAOZ-2 may not exceed 250,000 square feet in total floor area.

**(5) Plat notice.** A notice shall be placed on all final plats for properties located within Military Airport Overlay Zones 1 and 2 that the property, either partially or wholly, lies within a Military Airport Overlay Zone and is subject to noise and/or aircraft accident potential which may be objectionable.

**(d) Exceptions for residential uses.**

**(1) Existing residences.** Notwithstanding any other provisions of the Zoning Ordinance, residential uses located within the Military Airport Overlay Zones which were lawfully in compliance with the provisions of this chapter on the effective date of this chapter may be repaired and enlarged provided (1) the number of dwelling units is not increased and (2) all other applicable requirements of this district are met.

**(2) Vacant lots.** Vacant platted lots that are zoned for single-family residential uses may be used for single-family residences providing they conform to all other applicable requirements of this district. Such lots may not be subdivided into more than one additional lot for single-family residential use.

**(c) Unplatted property.** Unplatted properties zoned for single-family residential may be platted and used for single-residences in the Military Overlay Zone 2, providing they conform to all other applicable requirements of this district. Such lots may not exceed a density of one single family residence per acre.

**(e) Visual and electrical interference.**

Notwithstanding any other provisions of these regulations, no use shall be made of land within the Military Airport Overlay Zones in such a manner to:

(1) Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft; e.g., steam, dust, smoke, etc.;

(2) Produce light emissions, either direct or indirect (reflective) which would interfere with pilot vision;

(3) Produce electrical emissions which would interfere with aircraft communications systems or navigational equipment; or

(4) Attract birds or waterfowl, or in any other manner constitute an airport hazard.

**(f) Storage of flammables.**

The provisions of this section shall apply throughout the Military Airport Overlay Zones. All technical terms shall be interpreted as defined in the Uniform Fire Code.

**(1) Solid materials.**

A. The storage or manufacture of flammable solid materials or products is permitted only if the flammable material or products are stored or manufactured within completely enclosed buildings having noncombustible exterior walls and protected throughout by an automatic fire extinguishing system.

B. The storage or manufacture of explosive materials and of materials or products that decompose by detonation is prohibited.

**(2) Liquid materials.**

A. The manufacture of flammable or combustible liquids or materials that produce flammable or combustible vapors or gases is prohibited.

B. All above ground storage of flammable or combustible liquids or materials that produce flammable or combustible vapors or gases shall be in enclosed fireproof vaults. This requirement does not apply to liquids or materials used for single-family residences.

C. The storage of flammable and combustible liquids, or of materials that produce flammable or combustible vapors or gases, shall be permitted only in accordance with the Uniform Fire Code.

**(g) Height regulations.**

The height of structures within the Military Airport Overlay Zones shall be governed by the height requirements of the underlying zoning district as well as the provisions of the Joint Airport Zoning Regulations in Division 11, Article III of this chapter.

**(h) Procedure.**

**(1) Site plan.** Except for single-family residences, a site plan shall be submitted to the director of planning for approval by the planning commission prior to the issuance of building permits. All building plans must be in compliance with an approved site plan. The applicant shall submit eight (8)

blue- or black-line copies and one reproducible 8 1/2 x 11-inch reduced copy of the site plan accompanied by the plan review fee specified in Exhibit C. The plan review fee shall be in addition to any other required fees.

**(2) Purpose.** The purpose of the site plan is to ensure the proposed development complies with the provisions and intent of this chapter. The plan review will focus on the following:

A. Ordinance provisions. Permitted uses, potential visual and electrical interference, and storage of flammables.

B. Intent. The site design should locate the most intensive uses farthest away from the end and centerline of the runway.

**(3) Plan requirements.** The plan shall include the following as a minimum.

A. Site size, locational information, and adjacent land uses.

B. Dimensioned layout, with the location, size, and height of all buildings and structures.

C. The location and size of all above and below ground storage containers for flammable and combustible materials.

D. Size and location of all vehicular access points, streets, and parking areas.

E. Major physical features such as creeks, topography, and easements.

F. Diagrams indicating the location, dimensions, and angles of any or other reflective surfaces proposed in the development design.

G. A staging plan, if appropriate.

**(4) Staff review.** The Director of Planning shall, upon receipt of the site plan, distribute copies to other departments/agencies as the director deems necessary. Departments/agencies receiving copies of the site plan shall, within twenty (20) days of receipt of the plan, submit to the Director of Planning their written recommendation and comments about the plan. No later than thirty (30) days after submission of the site plan, the Director of Planning shall submit the plan with a recommendation to the Planning Commission for consideration.

**(5) Planning Commission consideration.** The city Planning Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped "Approved" and be dated and signed by the Chairman of the Planning Commission and by the Secretary of the Commission.

**(6) Distribution of the approved plan.** One copy of the approved plan shall be submitted to the Director of Development Services for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary by other departments and agencies.

**(7) Changes in the plan.**

A. Minor changes. After favorable action by the planning commission, minor alterations that do not substantially change the concept of the site plan may be approved by the director of planning, if required by engineering or other circumstances not foreseen at the time the plan was approved. Minor changes may not cause a change in location or an increase in size of any storage containers for flammable or combustible materials.

B. Major changes. Major alterations to the site plan shall be resubmitted for consideration by the planning commission following the same procedures required in the original adoption of the plan. Major changes to a site plan include any alterations which would cause any of the above conditions as well as those which are determined as such by the director of planning.

**(8) Time limit.** The construction of the proposed development shall be started within two (2) years of the effective date of approval of the site plan by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer,

extend the time one additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within three (3) years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the site plan, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.

**(i) Supplemental information.**

Whenever any application for a change in zoning in a Military Airport Overlay Zone is filed, the director of planning shall make formal request to the United States Air Force at least thirty (30) days prior to the zoning commission hearing for any relevant statistics, operational activities information, technical data, or other studies with bearing on the request.

Chapter 35, Article III, Sections 35-335(a)(2), 35-335(c)(1), 35-335(c)(3) and 35-335(d)(2)B are amended as follows:

**35-335 Neighborhood Conservation District (NCD)**

\* \* \* \* \*

**(a) Purpose**

\* \* \* \* \*

- (2) The purposes of a Neighborhood Conservation District in residential neighborhoods or commercial districts are as follows:
  - A. to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;

\* \* \* \* \*

**(c) Zoning Authority**

- (1) Separate ordinances are required to designate each Neighborhood Conservation District. Ordinances designating each district shall identify the designated boundaries, applicable Designation Criteria and design standards for that district, and be consistent with any existing Neighborhood and/or Community ~~Plans~~ plans. Adopted Neighborhood Conservation District Plans referenced herein by their title and date of adoption are:

- A. South Presa/South St. Mary's Sts. (NCD-1), November 14, 2002
- B. Alta Vista (NCD-2) May 8, 2003
- C. Ingram Hills (NCD-3) September 9, 2004

\* \* \* \* \*

- (3) Zoning designation. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (NCD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., R-6 (NCD-1), C-1 (NCD-2), etc.

\* \* \* \* \*

C. Except as modified by this section, the procedures for zoning changes set forth in this chapter § 35-3024 shall otherwise apply to the designation of an area as a Neighborhood Conservation District.

**(d) Initiation Procedures**

(2) Following initiation for designation of a Neighborhood Conservation District, the Planning Department shall develop a Neighborhood Conservation Plan for the proposed district that follows 35-335(b)(3) and includes:

- B. maps and other graphic and written materials identifying and describing the distinct distinctive neighborhood and building characteristics of the proposed district;

Chapter 35, Article III, Section 35-337(c) is amended as follows:

**35-337 Viewshed Protection Districts**

\* \* \* \* \*

**(c) Boundaries**

(1) To be designated as a viewshed protection district, an area must be located in front of or behind a building or site as described in subsection (a) of this Section (Designation Criteria).

Chapter 35, Article III, Sections 35-338(a) and 35-338(b)(3) and (4) are amended as follows:

**35-338 River Improvement Overlay**

**(a) Boundaries**

The specific boundaries of the River Improvement Overlay ~~is~~ are shown on the City of San Antonio's Official Zoning Map.

**(b) Zoning Classification**

**(3) Development Nodes**

It is the intent of this Section that a River Improvement Overlay District Development Node shall be restricted to areas lying fully within a River Improvement Overlay District that are located at 1) the intersection of a major thoroughfare and the San Antonio River or 2) the intersection of two major thoroughfares or 3) if not located at an above mentioned intersection, abut the San Antonio River and be a minimum of 12 acres. Development nodes must range in size from three to twenty acres and shall be located a minimum of one half mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two of the following uses: office, retail and multi-family residential.

Designation of a development node provides for a minimum setback of 0 feet from all property lines including riverside and the ability to increase the building height by 50 percent from the requirements set out in Article 6.

**(4) Neighborhood Conservation Districts**

Notwithstanding any other provision of this Ordinance, design standards for an established and adopted Neighborhood Conservation District within or overlapping a River Improvement Overlay District shall take precedent over the design standards of this ordinance if a conflict exists between the two.

Chapter 35, Article III, Section 35-339.01(c)(4) is amended as follows:

### **35-339.01 Corridor Districts**

\* \* \* \* \*

#### **(c) Initiation Procedures and Zoning Classification**

- (4) The zoning designation for the corridor district shall consist of a base zone symbol and the overlay district symbol GC (Gateway Corridor), MC (Metropolitan Corridor) and PC (Preservation Corridor) as a suffix. Corridor districts shall be numbered sequentially to distinguish among different districts, i.e., GC-1, GC-2, etc. Adopted Corridor districts referenced herein by their title and date of adoption are:

A. Hill Country Gateway Corridor (GC-1); May 19, 2003.

Chapter 35, Article III, Section 35-343(j) is amended as follows:

### **35-343 Infill Development Zone ("IDZ")**

\* \* \* \* \*

#### **(j) Buffers, Landscaping, Streetside Planting and Tree Preservation**

The Buffering Standards (§ 35-510) shall not apply to Infill Development. The Landscaping Standards (§ 35-511) and Streetscape Planting Standards (§ 35-512) shall apply. ~~An additional~~ Only twenty-five (25) points shall be required awarded under § 35-511 (d) (Elective Criteria), for landscaping on lots within the IDZ.

Chapter 35, Article III, Section 35-344, Planned Unit Development District ("PUD"), is amended and a new subsection 35-344(k) is added as follows:

### **35-344 Planned Unit Development District ("PUD")**

*The planned unit development (PUD) district is established for the following purposes: To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.*

~~To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style~~

~~To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for open space.~~

~~To provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure.~~

*To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, poor accessibility or topography.*

*To allow for private streets and/or for gated entrances for new subdivisions.*

**(a) Evaluation Criteria**

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

- (1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
- (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.
- (4) Private streets and gates shall conform to Article 5 of this Chapter.

**(b) Minimum size**

There is no minimum size for a planned unit development.

**(c) Permitted uses and density**

**(1) Uses.**

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

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

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

**(2) Density table.**

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

Land Use Category	Maximum Density
RE	1
R-20	2
R-6	5 6
RM-6	5 7
R-5	6 8
RM-5	6 9
R-4	7 10
RM-4	7 11
MF-25	25
MF-33	33
MF-40	40
MF-50	50

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

Example: On a 12 acre tract with 1.5 acres of unusable space, with an "R-6" zoning district. Usable acreage (10.5) times table number (5) allows 52.5 units. The maximum number of units that may be built may not be further increased by using the provisions of Division 6 Flexible Zoning of this article.

**(3) Attached dwelling units.**

Dwelling units may be attached in all PUD districts except for land use categories designated "RE" and "R-20".

**(4) Lots.**

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

**(d) Height and yard requirements**

**(1) Height limitation**

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

Structures devoted to the following uses:	Shall be restricted to the following height:
Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadraplex)	35ft/2.5 stories
Multi-Family not exceeding 25 units/acre	45'
Multi-Family not exceeding 33 units/acre	60'
Multi-Family not exceeding 40 units/acre	84'
Multi-Family not exceeding 50 units/acre	--
Commercial Buildings (LBCS Structure Classification 2100 – 2593, 3000, 4000), except as otherwise listed below	35'
Malls, shopping centers, or collection of shops - Regional center (enclosed mall with two or more anchors) or Super regional center (similar to regional, but with three or more anchors)	45'
Light Industrial Uses (LBCS Structure Classification 2610, 2700)	35'
General Industrial Uses (LBCS Structure Classifications 2620, 5000, 6000)	60'

**(2) Fences.**

- A. Along collector and arterial streets, fences or walls within a PUD may extend to a height of eight (8) feet subject to the clear vision area requirements.
- B. No such fence or wall, or portion thereof, shall exceed one-hundred (100) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:
  - (1) A column or pillar: or
  - (2) Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.
- (c) The provisions of subsection B, above shall not apply to a fence or wall constructed of brick, masonry, or wrought iron fences consisting of at least fifty percent (50%) open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the areas calculated above, and multiplying this figure by one-hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four (4) inch width and the posts are spaced at least eight (8) feet apart.

**(e) Required Setbacks**

- (1) Setbacks shall be governed by the PUD Plan. Lots located on the perimeter of a PUD shall adhere to the minimum and maximum setback requirements of the adjacent base zoning district unless it is not a residential zoning district then the perimeter setbacks shall meet or exceed the setbacks of the PUD's underlying base zoning district a lesser Setback is approved in the PUD plan. There are no setbacks for interior lots provided the requirements of the Uniform Building Code are met.
- (2) If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a twenty-foot Setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

\* \* \* \* \*

**(k) Time limit**

An approved PUD Plan shall remain valid for a period of three (3) years from the date of the last recorded plat or the date of Planning Commission approval if no plats are recorded. Time extensions for up to two (2) years may be granted by the Planning Commission if it finds that additional time is warranted. Failure to initiate development within the approved time period shall void the PUD Plan and no building permits or utility connections shall be issued until a new or revised plan has been resubmitted and approved by the Commission.

Chapter 35, Article III, Section 35-371(a) is amended as follows:

**35-371 Accessory Dwellings**

**(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 leasees 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 100 lineal feet.
- (4) The total number of occupants in the accessory dwelling unit combined shall not exceed three persons.

The Accessory Dwelling shall not exceed eight-hundred (800) square feet of gross floor area in any single family residential zoning district other than the "FR" zoning district the R-4, RM-4, R-5, RM-5, R-6, RM-6 and R-20 zoning districts, or 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.

Chapter 35, Article III, Section 35-376 is amended by adding a new section (d) as follows:

**35-376 Day-care facilities**

\* \* \* \* \*

**(d) Required residency**

The provision of daycare in a single family home which may be permitted by a specific use permit shall require that the owner of the property in question occupy as their primary residence the home providing said daycare services.

Chapter 35, Article III, Section 35-385(c) is amended as follows:

**35-385 Oversized vehicles**

\* \* \* \* \*

**(c) Parking in residential districts**

The parking of an oversized vehicle within the restricted parking area or the parking so that any portion of the vehicle extends into the restricted parking area is prohibited in any of the following zoning districts "R-4", "RM-4", "R-5", "RM-5", "R-6", "RM-6", "R-20", "RE", "RP", "NP-8", "NP-10", "NP-15", "MH", "MF-25", "MF-33", "MF-40", "MF-50", "RD" and "UD" except as permitted in subsection (d) below:

Chapter 35, Article IV, Section 35-403(b), Table 403-1 is amended and notes renumbered as follows:

**35-403 Notice Provisions**

**(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:

- (1) The street address, or 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 street intersections.
- (2) The current zoning classification, if any; and
- (3) 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 (L). 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)	(J)	(K)	(L)
<b>Type of notice</b>	<i>Amendments to Master Plan or this Chapter</i>	<i>Rezoning</i>	<i>Master Development Plan</i>	<i>Appeals to Board of Adjustment</i>	<i>Variances from and/or granting of special exceptions by the Board of Adjustment</i>	<i>Subdivision Plat, Major</i>	<i>Subdivision Plat, Minor</i>	<i>Certificate of Appropriateness</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>
<b>Publication:</b> Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	*	*	*	--	--	*	--
<b>Mail: Written</b> Before the 10th day before the hearing date, written notice of the public hearing shall be sent.	--	*(1)(2)(3)	*(2)	*(1)(2)	*(1)(2)	*(1)(2)	(1)	--	*(1)	*(1)(2)
<b>Internet:</b> Post a copy of the notice on the City's Internet website until the proceeding has been completed.	*	*	*	*	*	*	*	*	*	*
<b>Signage:</b> Post a sign on the property subject to the Application Signs to be installed and provided by the City.	--	*(4) (5)	--	--	--	--	--	*	--	*

Notes:

(1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property. Notice for Zoning Cases shall be sent prior to the 10<sup>th</sup> day before the date of the public hearing at the Zoning Commission. Notice for Demolition Applications shall be sent prior to the 7<sup>th</sup> day before the date of the public hearing at the Historic Design and Review Commission. Notice for Plat Applications shall be sent in accordance with Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE (if a replat requires a public hearing and notice).

(2) Notice shall be sent to Registered Neighborhood Associations within 200 feet of the project.

(3) Notice shall be sent to members of the Planning Team, as defined by §35-420(b)(3), for the affected Neighborhood, Community or Perimeter Plan, as applicable.

(4) The sign shall measure not less than 18 inches by 24 inches and shall contain the following information:

- City's name;
- Zoning Case # \_\_\_\_\_ or HDRC Case # \_\_\_\_\_;
- Name of Case Manager; and
- Contact telephone number.

The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible florescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.

(5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated area-wide rezoning consisting of six or more individual lots. However, signs will be placed at the general location of the boundary of the area-wide zoning project and its intersection with major arterial and collector streets that provide ingress/egress to the area subject to rezoning.

Chapter 35, Article IV, Section 35-431 is amended as follows:

### **35-431 Letters of Certification**

\* \* \* \* \*

## **(b) Initiation**

### **(1) Certifying Departments**

A request for Letters of Certification and required items shall be filed by the applicant with the following Departments (hereinafter "Certifying Departments"):

- A. Department of Public Works
- B. Department of Planning (responsible to attest to cultural and historic resources, including but not limited to archaeology, architecture, and historic sites.)
- C. SAWS
- D. CPS
- E. Department of Parks and Recreation

### **(2) Referral**

In addition to the Certifying Departments, copies of the requests for plat review along with required information shall be distributed to ~~the City Tax Office~~ City Tax Office, Southwestern Bell Telephone, Cable Television, Aviation Department, Development Services Department, ~~Historic Preservation Officer~~ Historic Preservation Officer, San Antonio River Authority, San Antonio Development Agency, ~~Bexar Metropolitan Water District~~ Bexar Metropolitan Water District, and Bexar County Public Works Department. A letter of certification is not required from these departments.

### **(3) Copies to Planning Director of Development Services**

A copy of each request for a Letter of Certification shall be filed with the Planning Director of Development Services. The request for a Letter of Certification shall be in the form prescribed in Appendix B. In order to track the application, the Planning Director of Development Services may assign a tentative tracking number for the Letter of Certification in the event that an Application for subdivision plat approval is filed.

### **(4) Plat number**

Prior to submitting a plat, replat, or amending plat for review by the City or any other agency, the applicant shall complete a plat application with the department of planning and obtain a plat number.

### **(5) Fees**

At the time an application for ~~Letters of Certification~~ a plat number is submitted, the applicant shall pay to the City of San Antonio the platting fees specified in Exhibit C. The platting fees are not transferable to other properties nor are they refundable. However, refunds shall be granted if the fees collected are in excess of the amount required at the time of plat filing, and such excess is not due to a substantial design change from that which was indicated on the initial application, or if an error in the plat fee calculation is discovered. If a plat is not formally filed with the Planning Commission within two (2) years from the date of the plat application, the application expires and new platting fees shall be required. The following situations shall be exempt from platting fees:

City of San Antonio projects which involve platting, and which are payable from the general fund. Permeable areas identified on a proposed plat such as private or public drains, conservation, landscape, or greenbelt easements.

## **(c) Completeness Review**

Upon receipt of a request for letters of certification, the Director of Development Services shall classify the request as a tentative major subdivision or a tentative minor subdivision. However, a plat that the

Director of Development Services finds is for the sole purpose of amending one or more building setback lines shall be submitted to the Planning Commission for consideration without review by any other 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. The Appellate Agency for purposes of completeness review (see § 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 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 § 35-432 of this Chapter, with or without a request for a variance (§ 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.

Chapter 35, Article IV, Section 35-432(h) and 35-432(i)(2) are amended as follows:

## **35-432 Procedures for Subdivision Plat Approval**

\* \* \* \* \*

### **(h) Scope of Approval**

#### **(1) Failure to Approve**

An application for plat approval shall expire, and shall be void for all purposes if a plat is not approved in accordance with this chapter within two (2) years from the date that the plat number was assigned ~~formally submitted~~. Upon expiration of the plat application, a new plat number, application and fee shall be required if plat approval is still sought. Plat applications that have been submitted prior to September 1, 1997, and that have not been approved in accordance with this chapter, shall expire no later than May 15, 2005 unless otherwise prohibited by state law.

### **(i) Recording Procedures**

\* \* \* \* \*

#### **(2) Recordation**

The Director of Development Services shall file for record an approved plat in the deed and plat records of the county within which the plat is located, provided the property owner consents in writing and the plat meets one of the following conditions:

- A. No site improvements are required.
- B. All required site improvements have been completed and accepted by the Director of Development Services.
- C. A performance agreement and a guarantee of performance as described in § 35-436 have been filed with the City Clerk.
- D. All required impact and drainage fees have been paid.

Chapter 35, Article IV, Section 35-441 is amended by adding new subsections (a)(12) and (a)(13) as follows:

## **35-441 Amending Plats**

### **(a) Applicability**

\* \* \* \* \*

(12) to establish a no build easement  
(13) to establish fire lanes

\* \* \* \* \*

Chapter 35, Article IV, Sections 35-451(d)(2) and 35-451(d)(3) are amended as follows:

## **35-451 Certificate of Appropriateness**

\* \* \* \* \*

### **(d) Decision**

\* \* \* \* \*

#### **(2) Planning Director Review**

Upon receipt of the recommendation by the Commission, the Director of Planning shall implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that his application has been approved, conditionally approved, or disapproved. ~~He~~ The Director of Planning shall also submit a copy of the ~~his~~ decision to the Commission for its information, to the Department of Development Services for issuance of permits, and to other departments, as applicable. The Director of Planning shall ~~base his~~ assure the decision is based on the ~~same criteria considered~~ criteria considered by the Commission in the ~~his~~ determination as to issuance or denial of any certificate.

#### **(3) Appeal**

An applicant for a certificate may appeal the decision of the Director of Planning to the Board of Adjustment within thirty (30) days after receipt of notification of the Director's action. The applicant shall be advised by the City Clerk of the time and place of the hearing at which the ~~his~~ appeal will be considered and shall have the right to attend and be heard as to the ~~his~~ reasons for filing the appeal. In determining whether or not to grant the appeal, the Board of Adjustment shall consider the same factors as the Commission, the report of the Commission, and any other matters presented at the hearing on the appeal. If the Board of Adjustment approves the application, it shall direct the Director of Planning to issue a certificate for the work covered. If the Board of Adjustment disapproves the application, it shall direct the Director of Planning not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the Board of Adjustment, the Director of Planning shall immediately advise the applicant and the Commission in writing.

Chapter 35, Article IV, Section 35-454(c) is amended as follows:

## **35-454 Review of plans for city-owned properties**

\* \* \* \* \*

**(c) Completeness Review**

The Planning Director ~~Commission~~ shall review the plan review application for completeness in accordance with § 35-451(c) of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

Chapter 35, Article IV, Section 35-455(b)(1) is amended as follows:

**35-455 Demolition Permit Applications**

\* \* \* \* \*

**(b) Initiation**

**(1) Historic Landmarks and Contributing Properties**

The applicant shall submit all necessary materials to the Historic Preservation Officer hereafter referred to as the HPO at least fifteen (15) days prior to the Historic and Design Review Commission hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the Historic and Design Review Commission for consideration and review and made available to the applicant for consideration prior to the hearing. The Historic and Design Review Commission may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The Historic and Design Review Commission or its agent may also furnish additional information as the Historic and Design Review Commission believes is relevant. The Historic and Design Review Commission shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

Chapter 35, Article IV, Sections 35-477(b)(1) and 35-477(b)(3) are amended as follows:

**35-477 Tree Permits**

\* \* \* \* \*

**(b) Initiation**

**(1) Application to City Arborist**

A valid application for permit must be filed and approved with the city arborist before:

\* \* \* \* \*

**(3) Single-Family Residential Developments**

At the platting or subdivision review, an application for a Tree Permit shall may include a tree preservation plan. See Section 35-B123.

Chapter 35, Article IV, Sections 35-478(b)(1), 35-478(c), and 35-478(i) are amended as follows:

## **35-478 Woodlands Preservation**

\* \* \* \* \*

### **(b) Initiation**

(1) The Woodlands Preservation Plan shall be filed with the Master Development Site Plan, if required; the application for a letter of certification for a subdivision plat; or the application for approval of a building permit if no subdivision plat or site plan is required.

### **(c) Completeness Review**

\* \* \* \* \*

### **(i) Scope of Approval**

A Woodlands Preservation Plan shall remain valid for the period of validity of the permit or authorization that triggered the requirement for obtaining the Tree Permit (i.e. Master Development Site Plan, building permit, plat, etc.).

Chapter 35, Article V, Section 35-501(b)(2) is amended as follows:

## **35-501 General Provisions**

\* \* \* \* \*

### **(b) Administrative Exceptions**

#### **(2) No administrative exception shall be granted unless:**

- B. The Applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that exceptions adherence to the standard provided by this Chapter would not pose a threat to health and safety.

Chapter 35, Article V, Section 35-502(a) is amended by adding a new subsection (9) as follows:

## **35-502 Traffic Impact Analysis**

### **(a) Specific Requirements for Transportation LOS**

\* \* \* \* \*

- (9) The following vehicles per day (vpd) will provide clarification to the roadway classification system for streets within conventional subdivisions exclusive of Traditional Neighborhood Developments (TND) as related to Master Development Plans, Plats, Zoning and Building Permits:

**A. Residential Streets:** Function of roadway UDC 35-506 (Table 506-1: Functional Classification System Description) and Appendix A (Definitions). Daily traffic volumes shall range between 500-1000 vehicles per day (vpd). Street design standards shall follow 35-506 (Transportation and Street Design). Spacing of Local A Streets should range from 175 to 800 feet.

**B. Residential Local B Street:** Function of roadway UDC 35-506 (Table 506-1: Functional Classification System Description) and Appendix A (Definitions). Daily traffic volumes range from 1,000 to 4,000 vpd (houses fronting) and 4,000 to 8,000 vpd (no houses fronting). Street design standards shall follow 35-506 (Transportation and Street Design). Spacing of Local B Streets should range from 800 feet to ½ mile.

**C. Collector:** Function of roadway UDC 35-506 (Table 506-1: Functional Classification System Description) and Appendix A (Definitions). Daily traffic volumes shall range from 8,000 to 10,000 vpd. Street design standards shall follow 35-506 (Transportation and Street Design). Spacing of Collector Streets should be ½ mile.

Note: All Secondary and Primary Arterials shall follow UDC 35-506 (Transportation and Street Design) and the City of San Antonio Major Thoroughfare Plan.

Chapter 35, Article V, Section 35-503 is amended by deleting existing Section 35-503, Park/Open Space Standards and adding a new Section 35-503, Parkland Dedication Requirement as follows:

### **~~35-503 Park/Open Space Standards~~**

Delete existing Section 35-503 Park/Open Space Standards in its entirety and replace with the following:

### **35-503 Parkland Dedication Requirement**

Parks and open space provide a valuable asset to the urban form of the City, its historical development, and the general welfare of its residents. Parks and open space have provided a significant role in the history of the City of San Antonio. The Laws of the Indies provided that the size of the parks and open spaces, such as plazas, shall be proportioned to the number of inhabitants and should take into consideration the growth of the community. Consistent with the historical development of the City, it is the intent of this Section that parks and open space should provide focal points for new communities. A central square or green, for example, may comprise a majority of the area required for dedication.

This Section implements the following provisions of the Master Plan:

- Neighborhoods, Policy 3a: Protect the character and quality of neighborhoods by maintaining and enhancing their open spaces and parks.
- Neighborhoods, Policy 3a: Amend applicable ordinances to require developers of subdivision plats with private common areas, to establish mandatory homeowners associations which shall be responsible for the maintenance of the common areas, or otherwise provide for same.
- Neighborhoods, Policy 3a: Amend applicable ordinances to require developers of subdivision plats with private common areas to file a proposed operations budget and plan for long term capital repair and replacement.
- Natural Resources, Policy 1d: Encourage retention of the 100-year floodplains as natural drainage ways without permanent construction, unnecessary straightening, bank clearing or channeling.
- Natural Resources, Policy 1d: Encourage the ecological management of floodplains and promote their use as open space, such as greenways, parks, wildlife habitat, and pedestrian-friendly linkage corridors.
- Urban Design, Policy 1g: Prepare design and construction policies and standards for utility and transportation infrastructure, capital improvement projects, public facilities and development projects that reinforce neighborhood centers and provide diverse, pedestrian-friendly neighborhoods.
- Urban Design, Policy 3a: Ensure that parks are fully accessible to all citizens.
- Urban Design, Policy 3a: Encourage conservation and protection of identified properties through leases, conservation or scenic easements, overlay zoning districts, protective covenants, tax abatements, or acquisition (by purchase or donation).
- Urban Design, Policy 3a: Develop a requirement that subdividers of land provide recreational opportunities for City residents through the dedication of parkland, or fees in-lieu of dedication.

**(a) Applicability**

- (1) The provisions of this section shall apply to any application for residential subdivision plat approval, unless exempt pursuant to subsection (3), below.
- (2) The location and extent of parkland or designation of a fee-in-lieu of option shall be indicated on any Master Development Plan (or plat if single phase development), with dedication of parkland deferred until a subdivision plat is filed consistent with subsection (g) of this section. Where indicated, the required area shall conform to the requirements of subsection (b) as they relate to the total number of dwelling units approved at the time the Master Development Plan is filed.

Commentary: The Master Plan requires new subdivisions to include parks or to pay fees in lieu of providing parks. Developers may opt to show parks on a Master Development Plan in order to facilitate the phasing of subdivision plats filed pursuant to the Master Plan. This allows some plats to be approved without individually complying with this Section, so long as the requirements of this Section are met for the entire development subject to the Master Development Plan. The applicant and the City may also execute a deferment contract which provides for the provision of parks/open space during a future phase of the development.

- (3) The provisions of this Section do not apply to:
- A. A proposed subdivision located within an Infill Development Zone; or
- B. A proposed subdivision located within a planning area which has a surplus of improved neighborhood parks/open space, as designated in the Parks System Plan unless the surplus has been eliminated by the subsequent approval of residential dwelling units within the planning area, as measured by the level of service standard established in Table 503-1, Column (B).

**(b) Required Parkland**

- (1) Required parkland shall be reserved for any development in the zoning districts or areas set forth in column "A" of Table 503-1, below, based upon the number of Dwelling Units in the proposed development corresponding to the zoning district as set forth in Column "B" in Table 503-1 hereto.

**Table 503-1**  
**Required Parkland**

ETJ	1 per 70
Multi-family developments within ETJ	1 per 114
R-20, R-15, R-10, R-8, R-6, RM-6, R-5, RM-5, R-4, RM-4, R-3, MH, TND, PUD, DR	1 per 70
MF-25, MF-33, MF-40, MF-50	1 per 114

\* The required acreage shall be rounded to the nearest one-tenth (e.g., 150 dwelling units x [1/70] = 2.1 acres)

(2) The applicant may dedicate any trail specifically delineated in the Parks and Recreation System Plan (adopted January 1999) to the public. Any trail dedicated pursuant to this subsection will count towards meeting the required active parks and open space requirements of Table 503-1. The trails shall be maintained in accordance with subsection (f)(Preservation Parkland) of this Section.

(3) The types of parkland that may be provided to satisfy the requirements of this Chapter are described in subsection (c) of this chapter.

(4) If maintained as a private park, the required parkland shall be provided as common area for the use of all residents/occupants of the Proposed Development.

(5) The following areas shall not be considered parkland pursuant to this subsection:

A. Areas covered by buildings, parking lots, or other impervious surfaces accessible to automobiles provided, however, that not more than fifty percent (50%) of a parking area accessory to, and reserved exclusively for, a park or open space area shall be counted toward the minimum land area required by this subsection.

B. Utility easements, drainage easements, or street rights-of-way, unless such areas are useable for public recreational purposes and will not be permanently converted to a street or trench. Land underneath overhead utility lines shall in no instance be considered a park/open space except where used for jogging trails, bicycle trails, or parking areas accessory to a park/open space.

C. Streets.

D. Ponds or lakes exceeding 2,500 square feet, unless surrounded by an upland area with a minimum width of twenty-five (25) feet.

(6) Any excess capacity of a parkland provided pursuant to this section may be credited toward the dedication required herein for another subdivision within a one-mile radius (subject to subsection (e)(1) of this section), where:

A. The subdivision for which the credit is applied is under Common Ownership by the same Applicant; and

B. The parkland is accessible to each subdivision.

**(c) Parkland Characteristics**

**(1) Generally**

Land designated as parkland shall be maintained as a park or open space and may not be separately sold, subdivided, or developed except as provided below. The applicant shall provide at least three (3) acres of contiguous parkland if land is to be dedicated to the City.

The applicant shall meet the requirements for parkland dedication through either (c)(3), (c)(4) or (c)(5) detailed below.

Table 503-5 at the end of this section provides a variety of options that may be utilized to meet the parkland dedication requirements. This table is for illustrative purposes only, and the language within each category is to serve as descriptive and not a requirement.

**(2) Designation**

Any areas reserved as parkland shall be indicated on the Application for Development Approval. A Parkland Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all proposed parks or open-space required by this Section. The plan shall:

- A. Designate areas to be reserved as a park or open space.
- B. Specify the manner in which the park or open space shall be perpetuated, maintained, and administered.

**(3) Parks and Open Space**

- A. Applicants may set aside parkland as Parks or Open Space to be maintained privately by an approved organization that meets the requirements of subsection (e) and the minimum size requirements stated below:

**Table 503-2**  
**Minimum Park Size by Zoning District**

<u>Zoning District</u>	<u>Minimum Dedication Size (in sq. ft)</u>	<u>Minimum Width</u>
<u>ETJ</u>	<u>10,000</u>	<u>100</u>
<u>R-20</u>	<u>20,000</u>	<u>100</u>
<u>R-6, RM-6</u>	<u>10,000</u>	<u>100</u>
<u>R-5, RM-5</u>	<u>10,000</u>	<u>100</u>
<u>R-4, RM-4</u>	<u>10,000</u>	<u>100</u>
<u>MH</u>	<u>10,000</u>	<u>100</u>
<u>MF-25, MF-33, MF-40, MF-50</u>	<u>10,000</u>	<u>100</u>

- 1. Planned unit developments will abide by the minimum requirements set forth in Table 503-2 based on the underlying zoning.
- 2. If several areas are proposed for park dedication credit, the sites shall be physically linked together by pedestrian access (sidewalks or trails) to form a network of recreational opportunities; however each individual area should meet the minimum size requirement set forth in Table 503-2.

- B. The use of the parkland shall be restricted for park and recreation purposes by recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the City or its successors;

C. The proposed private parkland shall be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location.

**(4) Multi-use Paths**

A. Collectors and Arterials

1. The entire areas along a collector or arterial that meet the following requirements may also be counted against the minimum requirements set forth in this chapter.

- i. Minimum length of collector is 200 feet
- ii. Additional width of 12 feet on either side of the collector, outside of the right of way.
- iii. Construction of multi-use concrete paths, or other material as approved by the Director of Development Services, on both sides of collector that meet minimum ASHTO standards for use by both pedestrians and bicyclists.
- iv. Path shall be defined by placing a planted strip of not less than three (3) between the back of the curb and the street edge of the path.
- v. In addition to the minimum streetscape requirements detailed in 35-512, one (1) large tree and one (1) medium tree shall be planted every 100 feet or fraction thereof. Additional tree requirements above and beyond the minimum streetscape requirements shall be counted toward any tree mitigation requirement.
- vi. Additional credit is not awarded for capital improvements.

**(5) School Site Locations**

Park sites shall be located, whenever possible, adjacent to and contiguous with school sites in order to make maximum use of common facilities and grounds. Land area dedicated to a school district shall be credited toward the minimum requirements of subsection (b) of this Section if there is a joint use agreement between the City and the school district.

**(d) Suitability**

In order to ensure that all designated parkland has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable parkland, the following standards shall apply.

**(1) Distance from Lots**

Parkland shall be not further than one (1) mile (5,280 feet) from any lot or, if the proposed development does not involve a subdivision, any primary building, measured from the entrance allowing people, or bicycles to enter into the park or open space or to view the park or open space area. The foregoing distance shall be measured in a straight line, provided that the distance shall not be interrupted by an Arterial Street or Freeway. The distance may be measured from a park or open space provided pursuant to this section, or a public park or public open space area not provided by the Applicant.

**(2) Parkland in Floodplains or Water Features**

- A. Areas within a 100 year floodplain shall not exceed fifty percent (50%) of the area counted as Parkland pursuant to subsection (b), above, except as provided below.
- B. Water features exceeding 2,500 square feet shall not be considered as Parkland unless permitted by subsection C, below.

- C. The restriction on the maximum percentage of parkland in water features or floodplains (hereinafter "Restricted Areas") can be increased to ninety percent (90%) where:
1. An area of not less than twenty-five (25) feet in width surrounding a pond or adjacent to the length of the floodplain and outside of the floodplain is improved as a Greenway; and
  2. A trail is built along the area referenced in (d)(2)C1 above that meets the design criteria for trails described in Table 503-4. Additional credit will not be awarded for this requirement.
  3. A minimum area of 10,000 square feet, with a minimum width of 100 feet must be located outside the floodplain.
  4. The structures or activities located with the Restricted Areas do not cause an increase in base flood elevations; and
  5. The velocities during a ten-year flood event do not exceed six (6) feet per second; and
  6. For parkland dedicated to the City, at least one (1) acre is outside of the floodplain.

**(3) Percentage in detention areas**

Detention basins which are required as part of the Stormwater Management Standards shall not qualify as Parkland unless seventy-five percent (75%) or more of the active and usable area is designed for recreational use and the area(s) conforms to the requirements below.

- A. Detention areas shall not be inundated so as to be unusable for their designated recreational purposes. Detention areas must be designed to drain within 24 hours.
- B. Detention areas shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.
- C. Detention areas may count a maximum of fifty percent (50%) of the park dedication requirement.

**(4) Walls and Fences**

Walls and fences, if used shall not exceed six (6) feet in height. This requirement shall not apply to fences used in conjunction with athletic fields and courts.

**(5) Playground equipment**

Playground equipment shall be located no closer than twenty-five (25) feet from a park boundary.

**(6) Slopes**

At least fifty (50) percent of required dedicated parkland land shall have slopes not exceeding seven percent (7%).

**(7) Access**

Parkland provided pursuant to this Section shall have direct access to a public street or to a private street maintained by a Homeowners Association or Condominium Association, or an interior driveway maintained by Apartment Association.

**(e) Designation of Parkland**

Areas designated as Parkland shall not be subdivided, but shall be shown as a "Park" or "Open Space" on a plat. In order to ensure that parkland is maintained so that its use and enjoyment as parkland is not diminished or destroyed, parkland may be owned, preserved, and maintained by any of the mechanisms described in subsections (1) through (6) below, or combinations thereof. Land protected pursuant to this subsection which is intended to be used as a park shall be deeded as a park, regardless of ownership. The instruments creating the dedication, homeowners association, condominium association, easement, transfer, or improvement district shall be provided with the application for subdivision plat approval.

**(1) Dedication of Land to City**

Dedication of parkland to the City shall satisfy the requirements of this subsection. Dedication shall take the form of a fee simple ownership. The City shall accept undivided parkland provided: (1) such land is accessible to the residents of the City; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; (3) the parkland area meets the requirements of subsection (d) of this Section.

**(2) Homeowner's Association**

A. Common ownership of parkland by a permanent homeowner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner of parkland fails to maintain same according to the standards of this Chapter, the Director of Parks and Recreation may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the parks and/or open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the parks and/or open space. The association shall be formed and operated under the following provisions:

1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the parkland.
2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
3. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
4. The association shall be responsible for maintenance of insurance and taxes on parkland, enforceable by liens placed by the City on the association. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments. Such liens may require the imposition of penalty interest charges. Should any bill or bills for maintenance of parkland by the City be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.
5. A proposed operations budget and plan for long-term capital repair and replacement of the parkland shall be submitted with the final plat. The members of the association shall share the costs of maintaining and developing such parkland. Shares shall be defined within the association bylaws. The operations and budget plan shall provide for construction of any improvements relating to the parkland space within three (3) years following recordation of the plat.

6. In the event of a proposed transfer, within the methods here permitted, of parkland by the homeowners' association, notice of such action shall be given to all property owners within the development.

7. The association shall have or hire staff to administer common facilities and properly and continually maintain the parkland.

B. The homeowners' association may lease parkland to any other qualified person, or corporation, for operation and maintenance of such parkland, but such a lease agreement shall provide: (1) that the residents of the development shall at all times have access to the parkland contained therein; (2) that the undivided parkland to be leased shall be maintained for the purposes set forth in this Chapter; and (3) that the operation of park facilities may be for the benefit of the residents only, or may be open to the residents of the City, at the election of the developer and/or homeowners' association, as the case may be. The lease shall be subject to the approval of the board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements so entered upon shall be recorded with the County Clerk within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the City.

C. Failure to adequately maintain the undivided parkland in reasonable order and condition constitutes a violation of this Chapter. The City is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty (30) days.

### **(3) Condominiums**

The undivided parkland and associated facilities may be controlled through the use of permanent condominium agreements, approved by the City. Such agreements shall be in conformance with the Uniform Condominium Act, VTCA Property Code, Chapter 82. All undivided parkland shall be held as a "common element." A proposed operations budget and plan for long-term capital repair and replacement shall be submitted with the Application for Development Approval.

### **(4) Dedication of Easements**

The City may, but shall not be required to, accept easements for public use of any portion or portions of undivided parkland, title of which is to remain in ownership by condominium or homeowners' association, provided: (1) such land is accessible to City residents; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and (3) a satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the City.

### **(5) Transfer of Easements to a Private Conservation Organization**

An owner may transfer perpetual easements to a private, nonprofit organization, among whose purposes it is to conserve parkland and/or natural resources (such as a land conservancy), provided that:

- A. The organization is a bona fide conservation organization with perpetual existence;
- B. The organization is financially capable of maintaining such parkland;
- C. The conveyance contains legally enforceable provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
- D. The organization shall provide a proposed operations budget and plan for long term capital repair and replacement; and
- E. The developer and the organization enter into a maintenance agreement.

### **(6) Improvement Districts**

An improvement district established pursuant to:

- A. The Public Improvement District Assessment Act, Tex. Local Gov't Code § 372.001 et seq.
- B. A Municipal Utility District established pursuant to Tex. Water Code, Chapter 54.
- C. Tax Increment Financing pursuant to Tex. Local Gov't Code, Chapter 374
- D. A development corporation established pursuant to Development Corporation Act, Tex. Rev. Civ. Stat. Ann. art 5190.6

**(f) Development Phasing**

- (1) In residential subdivisions which are to be platted in two (2) or more phases, the required parkland dedication, pursuant to this Section, must be provided in each phase of the subdivision except as provided in subsection (2), below.
- (2) If the subdivision is proposed in phases and the proposed parkland is shown on a Master Development Plan, and the first phase includes less than seventy (70) residential units, then the applicant may plat the first phase pursuant to the Master Development Plan and defer the provision of parkland to the second phase of the development provided, however, that:
  - A. No further subdivision plat shall be approved unless and until parkland is provided in increments equal to the acreage required pursuant to subsection (b) of this Section, subject to the phasing provisions of Table 503-3 below;

**Table 503-3**  
**Implementation Schedule**

<b><u>Number of lots</u></b>	<b><u>Acres of Parkland Required</u></b>	<b><u>Timing of Improvements</u></b>
<u>1-70</u>	<u>Up to 1 (minimum size of 1 acre)</u>	<u>Phase 2</u>
<u>71-140</u>	<u>Up to 2</u>	<u>Phase 3</u>
<u>Lots 141 through completion</u>	<u>As required by subsection (b) of this Section</u>	<u>At time of platting</u>

- B. If any phase of the subdivision is platted without providing the required parkland at the time of platting and no future subdivision phases are planned pursuant to the Master Development Plan, the parkland required shall be provided within one (1) year after recordation of the plat and shall be secured by deferment contract as provided in subsection (3). The failure to provide parkland as provided herein shall be deemed a violation of this Chapter and shall be enforceable as provided in § 35-494.

Example: A Master Development Plan is approved for 500 residential lots. The Applicant may secure plat approval for the first 70 lots without providing parkland. The Applicant files a plat for approval of a second phase containing 150 lots. The second phase may not be approved until at least one (1) acre of parkland is provided based on the number of lots approved in Phase 1.

- (3) The City shall authorize the developer to reserve parkland for dedication in subsequent phases of the subdivision by executing an enforceable contract with the City. The contract shall be approved by the City Attorney and the Director of Parks and Recreation. In addition, the developer shall dedicate a reversionary public access easement on the final plat of the proposed development where necessary to provide effective public access, maintenance and use of any parkland to be dedicated.

**(g) Fee in Lieu of Land Dedication (Optional)**

- (1) In lieu of dedicating and improving park or open space lands as required by this section, the applicant may deposit with the City a cash payment in lieu of land.
- (2) The Director of Parks and Recreation shall determine the amount to be deposited, based on the following formula:

$$A \times V = M$$

where

A = the amount of land required for dedication as determined in subsection (b) of this Section.

V = fair market value (per acre) of the property to be subdivided, as established by an appraisal.

M = the number of dollars to be paid in lieu of dedication of land.

- (3) For purposes of computing fair market value of property (see "V" in the equation established in subsection (3), above), the subdivider may select one of the following fair market value determinations:
  - A. the current fair market value of the land as shown on the records of the tax appraisal district if based upon an appraisal that occurred within two years prior to the application; or
  - B. the current fair market value of the land as determined by a qualified real estate appraiser at the subdivider's expense, if the City Real Estate Manager certifies that the appraisal fairly reflects the land value; or
  - C. the current fair market value of the land as determined by a qualified real estate appraiser employed by the City; or
  - D. the actual purchase price of the property as evidenced by a purchase money contract, or a closing statement (within one year of the date of application).
- (4) The City shall reduce the in-lieu fee by the amount of any reasonable costs for any land which has been dedicated to and accepted by the City for park/open space facilities by the applicant within the proposed development, subject to the following:
  - A. The reasonable costs of the park/open space facilities that have been dedicated shall reduce the park/open space in-lieu fee due for only the same type of park facility.
  - B. The unit costs used to calculate the reduction shall not exceed those assumed as the average costs of the park/open space facilities which were used to compute the parks/open space in-lieu fee for the benefit area in which the property is located.
  - C. No reduction shall be granted that exceeds the park/open space in-lieu fee due for the development.
  - D. Any reduction created by the dedication of park/open space facilities shall expire ten years after the date that the offset was created.
  - E. An applicant may apply for a reduction of park fees either at the time of approval of a subdivision plat or at the time of dedication by separate instrument. The Applicant may appeal the determination of the Director of Parks and Recreation concerning the reduction to the City Council.
  - F. The amount of the reduction shall be prorated among the number of dwelling units approved for the development unless otherwise agreed to by the City.

- (5) Park/open space in-lieu fees shall be assessed at the time of plat approval and shall be paid at the time of plat recordation.
- (6) All fees collected shall be used for the acquisition or development of land for a neighborhood park, or development or construction of improvements to existing park land, within one (1) mile of the periphery of the proposed subdivision development. However, if [1] such acquisition opportunities are not available, or [2] existing park land is already developed or improved, within one (1) mile of the proposed subdivision development, then areas within two (2) miles of the periphery of the proposed subdivision development may be considered for the acquisition, of neighborhood park land and/or construction of improvements to existing park land within such periphery.
- (7) There is hereby established a special fund for the deposit of all fees collected under this subsection (c), which fund shall be known as the park acquisition and development fund. Within the fund, park development fees paid shall be earmarked for expenditure on park improvements in a neighborhood park generally located within the distance described in subsection (c) (6), above. All fees in lieu of park land dedication and all park development fees paid must be expended within ten (10) years from the date of receipt for park facilities benefiting the residential subdivision or dwelling unit for which the fees are paid. Fees shall be considered expended if they are spent for acquisition or development, respectively, of neighborhood parks located as per section (c)(6) above for which the fees were paid within the ten-year period. If fees are not expended within such period, the then-current owner shall be entitled to a refund of the principal deposited by the Applicant in such fund, together with accrued interest. The owner must request such refund in writing within three hundred sixty-five (365) days of entitlement or such right shall be waived. Interest accruing to the park land dedication fund and to the park development fund shall be expended on neighborhood park land acquisition and for neighborhood park improvements, respectively.

**(h) Credit for Park Facilities**

- (1) Where parkland is provided in a proposed residential subdivision, credit may be given to the Applicant where the following requirements are met:
  - A. The parkland shall be maintained as provided in subsection (f) of this Section. The ultimate owner of the parkland shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the parks and/or open space through annual dues, special assessments, or similar arrangements.
  - B. A registered Landscape Architect is hired to develop the site plan and construction documents for the proposed park.
- (2) The acreage required for dedication pursuant to Table 503-1 above may alternately be reduced by providing park facilities as outlined in Table 503-4 below. Credit shall be given toward the minimum land dedication requirement (see subsection (b) of this Section) at the rate specified in Column (C) of Table 503-4. Improvements for credit must meet all federal, state and local regulations and guidelines and be compliant with the Americans with Disabilities Act.

**Table 503-4  
Park Facilities Credits**

<b>(A) Criteria List</b>	<b>(B) Design Criteria</b>	<b>(C) Credit Acres</b>
Playground	See subsection (3), below.	1.25
Picnic area.	Picnic areas shall have a minimum area of 2,500 square feet and contains two picnic units. A picnic unit is defined as a concrete or metal picnic table two benches, and a cooking grill all permanently anchored to the slab. For every 3 acres of parkland required, credit for one picnic area may be awarded.	0.25
Athletic Courts	The court slab shall have a slope not exceeding two percent (2%) and shall be constructed of concrete. A basketball court must be a minimum of fifty feet by forty feet, with two metal goals, nets, backboards, and poles at each end. A tennis court must be a minimum of sixty feet by one hundred twenty feet, with net and metal posts. If the park dedication requirement exceeds 5.0 acres, then an additional .75 acre credit may be awarded for a second athletic court.	.75
Open Play Areas	An Open Play Area shall include a minimum area of 20,000 square feet. The areas shall be unobstructed by trees, shrubs, or utilities, with a slope not to exceed five percent (5%). Common Bermuda grass shall be established in these areas. One third of an acre is the minimum parkland area required for an Open Play Area. Maximum of one open play area for every five acres of parkland dedication.	1.00
Swimming pool	Minimum 500 square feet water surface, with adjacent deck and lawn areas. A maximum of 1.5 acres credit may be awarded. A swimming pool may not count towards more than 50% of the parkland dedication requirement.	0.3 acres per 500 square feet of surface area
Recreation center building	The building shall be in habitable condition and shall have a minimum 1,000 square feet of gross floor area. The covenants and restrictions of the homeowner's association shall restrict the building for use as a recreational and/or meeting area for use by all residents of the subdivision. Architectural design shall conform to the restrictive covenants recorded for the subdivision. Credit shall be awarded for only one building. A recreation building may not count towards more than 50% of the parkland dedication requirement.	.50 for 1,000 – 1,500 square feet; 1.00 for over 1,500 square feet.
Recreation community gardening	Community gardens shall have a minimum area of 10,000 square feet with a slope not exceeding two percent (2%). Maximum of one community garden for every five acres of parkland dedication requirement.	0.25
Jogging or walking trails	Trails shall have a minimum length of one-quarter mile. Trails shall be constructed of crushed granite, concrete, or asphalt, with a minimum thickness of four inches, a minimum width of 8 feet, and shall be sloped to drain. A maximum of 2.25 acres credit may be awarded for trails.	1.50 for first .25 mile length; .75 for an additional .25 length

**3. Specifications for playgrounds as set forth in Table 503-4 shall conform to the following minimum requirements:**

**A. Playground is to be of commercial standards. The Parks and Recreation Department will provide a list of potential vendors.**

**B. The playground area shall have a slope not exceeding two percent (2%).**

**C. Playgrounds are to include equipment for two distinct play abilities and may be located in the same or in separate areas.**

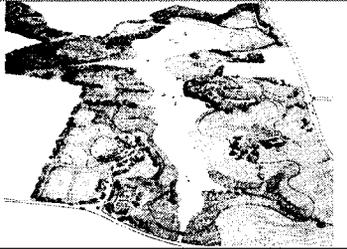
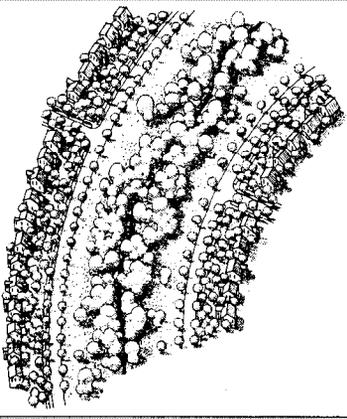
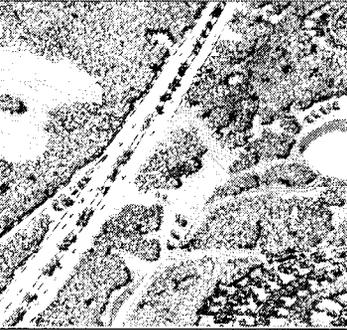
**1. One area designed for ages 2 – 5 years old with a minimum of six activities, and a**

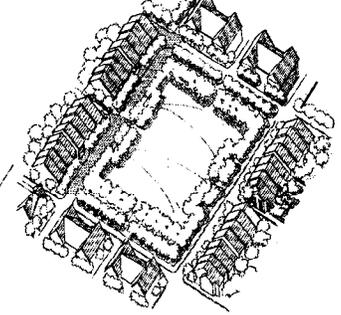
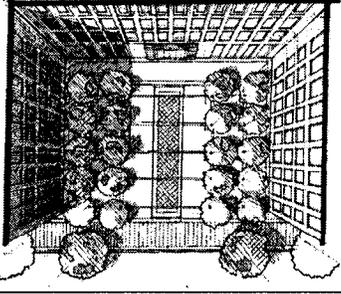
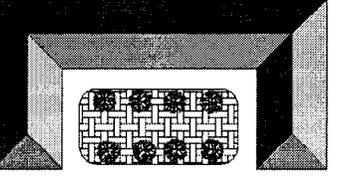
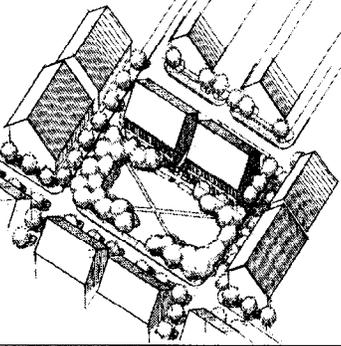
**2. Second area designed for ages 5 – 12 years old with a minimum of twelve activities.**

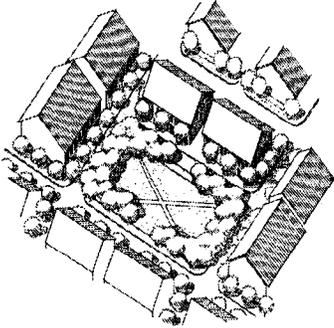
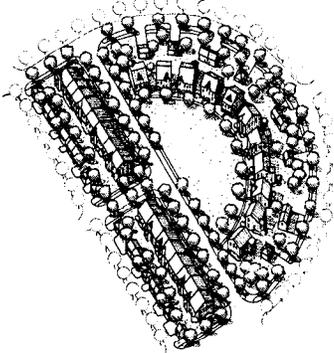
**D. Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act, as well as guidelines set up by CPAC and NPSI.**

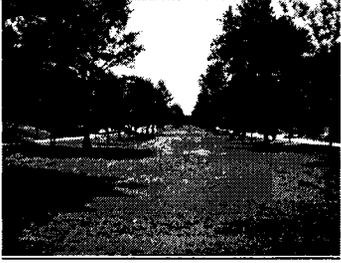
**E. The following items shall be provided: at least two park benches, one trash receptacle, and an open shelter.**

**Table 503-5**  
**Typical Park Categories**  
**This table is provided for illustrative purposes only.**

(A) Park or Open Space Cate- gory	(B) Description	(C) Maintenance Requirements	(D) Illustration
Natural Areas and Agricultural Areas	<p>Natural Areas are areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose. These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include floodplains mapped by FEMA with a drainage area exceeding 300 acres, or creeks with a drainage area of less than 300 acres.</p>	<p>Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. Natural watercourses shall be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.</p>	
Greenways	<p>Greenways are areas connecting residences and recreational areas. Greenways are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkways and greenways differ from parks, plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.</p>	<p>A Greenway may be counted as Open Space provided, however, that: (1) the greenway shall have an average width of not less than fifty (50) feet; and (2) if the greenway consists of agricultural areas, the agricultural areas shall have a continuous area of not less than fifty (50) acres. The agricultural areas may be combined with adjacent agricultural lands provided, however, that the minimum width prescribed above shall be met on all portions of the agricultural greenbelt on the site.</p>	
Greenbelts	<p>Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or from agricultural areas or adjacent neighborhoods. Greenbelts differ from the other types of open spaces in that they are left natural, and are not for recreational use.</p>	<p>There is no tree planting requirement along rights-of-way for greenbelts.</p> <p>The following uses are permitted within the greenbelt: (1) Critical Areas, (2) Conservancy Lots with a minimum lot size of five (5) acres and a maximum impervious surface ratio of five percent (5%), or (3) linear parks improved with trails, benches, and/or playground equipment. Trails, benches and playground equipment shall not be considered impervious surfaces for purposes of computing impervious surface.</p> <p>The Greenbelt shall be an average of not less than one-hundred (100) feet in width and not less than fifty (50) feet at any point.</p>	
Playgrounds	<p>Playgrounds provide play areas for children as well as open shelter with benches for parents. Playgrounds may be built within squares and parks or may stand alone within a residential block.</p>	<p>Minimum Size: 5,000 square feet          Maximum Size: 20,000 square feet</p> <p>Playing surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick paver, or similar material, or partially paved.</p>	

(A) Park or Open Space Cate- gory	(B) Description	(C) Maintenance Requirements	(D) Illustration
Plazas	Plazas are areas for passive recreational use which are entirely bounded by Streets and/or lanes. Plazas are intended for master planned communities such as Planned Unit Developments (PUD's), or Traditional Neighborhood Developments (TND's), or for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits).	The plaza shall be square or rectangular with a length of not less than one and a half its width. The plaza shall be bounded on all sides by Streets, with Streets originating in the middle of each side, and two Streets originating from each corner.  Minimum width: 200 feet Minimum length: 300 feet Maximum width: 530 feet Maximum length: 800 feet	
Courtyard	A Courtyard is an open area adjacent to, or part of, a civic building or facility. Courtyards function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. Courtyards shall be credited toward Parks and Open Space requirements only for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits), and shall be maintained in private ownership.	Parking is permitted only at the edge of the Courtyard. Courtyards shall be paved in brick or other type of paver, or crushed stone. Courtyards shall be level, stepped, or gently sloping (less than 5% grade). At no time shall a Courtyard's horizontal length or width be greater than 3 times the height of the surrounding building(s).  Minimum size: 2,000 sq ft Maximum size: 30,000 sq ft  Courtyards may be left unplanted. If planted, the trees shall frame the Courtyard space or the structure which the Courtyard services. Tree spacing shall be a maximum of 25 feet on center.	
Forecourt	Forecourts are open space areas which act as buffers between residential and non-residential buildings or Streets. Forecourts shall be credited toward Parks and Open Space requirements only for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits), and shall be maintained in private ownership.	Forecourts shall be entirely bounded by Streets and shall be planted parallel to all Street right-of-ways with one tree species.	
Attached Squares	Attached Squares are areas for passive recreational use which are internal to a block.	Squares shall be bounded by Streets on a minimum of three sides or 75% of their perimeter. Squares may be bounded by buildings on a maximum of 60% of their perimeter (maximum of 2 sides) in order to provide a central gathering area for the community.  Squares shall be planted parallel to all rights-of-way with at least two (2) tree species a minimum of 10 feet and a maximum of 50 feet on center. All internal tree plantings (if provided) shall be in geometrical layouts.  Minimum size: 2000 square feet Maximum size: 1 acre	

(A) Park or Open Space Cate- gory	(B) Description	(C) Maintenance Requirements	(D) Illustration
<u>Detached Square</u>	<p><u>Detached squares bordered on all sides by roads are particularly formal. Since adjacent buildings provide much of the population using any public space, detached squares are less likely to be used than other types though it remains appropriate as a means to symbolically enhance important places, intersections, or centers.</u></p>	<p><u>Detached Squares shall be planted along the perimeter of the Plaza or may be used to preserve a specimen tree or small stand of trees. The geometric pattern of the Square shall be square or a rectangle with a length not exceeding twice the width.</u></p> <p>Minimum Size: 200 sq ft            Maximum Size: 1 acre</p>	
<u>Green</u>	<p><u>The green is an urban open space which is natural in its details. Like the square, it is small, civic, and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography.</u></p>	<p><u>Greens shall be landscaped with trees at the edges and open lawns at the center. Greens shall contain no structures other than benches, pavilions, and memorials. Trails or pedestrian pathways are optional.</u></p>	
<u>Park</u>	<p><u>Parks may be designed for active recreational use. Parks create a central open space which services an entire neighborhood or group of neighborhoods, or incorporate physical features which are an asset to the community (i.e. lake or river frontage, high ground, or significant stands of trees).</u></p> <p><u>Parks may be combined with parkways and greenbelts.</u></p> <p><u>Parks shall include at least three (3) of the facilities listed in the "Basic Facilities Menu" for Neighborhood Parks in the Parks and Recreation System Plan (page 230).</u></p>	<p><u>Public parks shall be bounded by Streets on a minimum of 50% of their perimeter (subject to lot line configurations). Private Parks shall be bounded by Streets on 25% of their perimeter.</u></p> <p>Minimum size: 1 acre</p> <p><u>Trees shall be planted parallel to all perimeter rights-of-way with one species type, a minimum of 15 feet to a maximum of 50 feet on center.</u></p> <p><u>Promenades, and Esplanades within a park may be formally planted with trees parallel to the walkway. Areas under dense tree plantings shall be paved with crushed gravel. Interior portions of parks may be kept free of tree plantings. Areas for active recreational use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of parks are encouraged to follow topographical lines.</u></p>	

<u>(A)</u> Park or Open Space Cate- gory	<u>(B)</u> Description	<u>(C)</u> Maintenance Requirements	<u>(D)</u> Illustration
Parkway	<p><u>Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkways and greenways differ from parks, plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.</u></p>	<p><u>Parkways shall be entirely bounded by Streets or pedestrian rights-of-way within developed areas.</u></p> <p><u>Parkways may be used for certain active recreational uses such as walking, jogging, or bicycling.</u></p> <p><u>Trees shall be planted along all rights-of-way a minimum of 10 feet and a maximum of 50 feet on center, with one species type. Interior areas shall remain natural and any additional plantings shall be informal in design.</u></p>	

Chapter 35, Article V, Section 35-506(d), Table 506-3, Table 506-4, and Table 506-4A and Sections 35-506(d)(9), 35-506(e)(5), 35-506(e)(8), 35-506(g)(1), 35-506(i)(1), 35-506(i)(2), 35-506(j)(4), 35-506(n)(3), and 35-506(t)(3), Table 35-560-8, are amended as follows:

**35-506 Transportation and Street Design**

\* \* \* \* \*

**(d) Cross-Section and Construction Standards**

\* \* \* \* \*

**Table 506-3  
Conventional Street Design Standards**

<i>Street Type</i>	<i>Marginal Access</i>	<i>Alley</i>	<i>Access to Conservation Subdivision</i>	<i>Local Type A</i>	<i>Local Type B</i>	<i>Collector</i>	<i>Secondary Arterial <sup>1</sup></i>	<i>Primary Arterial <sup>2</sup></i>
<i>ROW (minimum) <sup>8</sup></i>	36'	24'	36' 34'	50'	60'	70'	86'	120'
<i>Pavement Width <sup>8</sup></i>	26'	18-24'	24' <sup>7</sup>	28'	40'	44'	48'	72-48'
<i>Grade (maximum) <sup>3</sup></i>	12%	12%	12%	12%	12%	7%	5%	5%
<i>Grade (minimum) <sup>4</sup></i>	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
<i>"K" Crest Curve</i>	30	NR	30	30	30	55	70	70
<i>"K" Sag Curve</i>	35	NR	35	35	35	55	60	60
<i>Centerline Radius (minimum.)</i>	100'	50'	100'	100'	100'	400'	700'	1,200'
<i>Stopping Sight Distance</i>	75'	75'	75'	110'	150'	200'	300'	300'
<i>Curb</i>	No	No	No	Yes	Yes	Yes	Yes	Yes
<i>Median</i>	NR	NR	NR	NR	NR	NR	14' min.	14' min.
<i>Sidewalk Width (see Subsection (q)(5))</i>	NR	No	4'6" <sup>10</sup> One Side Only	4' <sup>9</sup>	4'6" <sup>6,10</sup>	4'6" <sup>10</sup>	4'6" <sup>10</sup>	4'6" <sup>10</sup>
<i>Bike Facilities <sup>6</sup></i>	NR	NR	NR	NR <sup>6</sup>	NR	City Option <sup>5</sup>	Yes Path <sup>5</sup>	Yes Path <sup>5</sup>
<i>Streetscape Planting Trees</i>	NR	No	NR	NR	NR	Yes	Yes	Yes
<i>Planting Strips</i>	NR	NR	NR	NR	2' Min.	2' Min.	2' Min	2' Min.

Notes and Rules of Interpretation:

NR designates the item is not required.

Table 506-3 is required for conventional option subdivisions (see § 35-202) or subdivisions not subject to Table 506-4, below), except for « Access to Conservation Subdivision », which apply only to Conservation Subdivisions (§ 35-203).

<sup>1</sup> For Secondary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 86' at the intersections as determined by the Director of Development Services.

<sup>2</sup> For Primary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 120' at the intersections as determined by the Director of Development Services.

<sup>3</sup> See Figure 506-2.

<sup>4</sup> 0.4% Optional with concrete curb and gutter.

<sup>5</sup> Bike path and sidewalks can be combined. See section 35-506(d)(4).

<sup>6</sup> When designated on bicycle master plan as approved by City Council.

<sup>7</sup> Entry portion without parking.

<sup>8</sup> Right-of-Way and pavement width requirements in established neighborhoods can be waived by the Director of Development Services as required on Capital Improvement Projects

<sup>9</sup> Sidewalks shall be 4 foot in width with a planting strip.

<sup>10</sup> Sidewalks shall be 4 foot in width with a planting strip or 6 foot in width without a planting strip.

**Table 506-4  
Traditional Street Design Standards**

<i>Street Type</i>	<i>Trail</i>	<i>Alley</i>	<i>Lane</i>	<i>Local</i>	<i>Avenue</i>	<i>Main Street</i>	<i>Boulevard</i>	<i>Parkway</i>
<b>ROW (minimum)</b>	14'	20'	38'	48'	82'	58'	124'	86'
<b>Pavement Width <sup>1</sup></b>	8'-14'	10'-12'	16'-18'	22'- 27'	27'-48'	28'-36'	44'-70'	44'+
<b>Grade (maximum)</b>	10%	10%	10%	10%	7%	7%	7%	5%
<b>Grade (minimum) <sup>4</sup></b>	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
<b>"K" Crest Curve</b>	NR	NR	30	30	55	55	55	70
<b>"K" Sag Curve</b>	NR	NR	35	35	55	55	55	60
<b>Curb Radius</b>	N/A	15'	15'	15'	25'	15'	25'	25'
<b>Centerline Radius <sup>2</sup></b>	95'	50'	90'	90'	250'	600'	500'	1,000'
<b>Stopping Sight Distance</b>	75'	75'	110	110'	150'	N/A	300'	300'
<b>Intersection Sight Distance</b>	15'	15'	15'	25'	75'	N/A	150'	150'
<b>Curb</b>	No	No	Yes	Yes	Yes	Yes	Yes	No
<b>Median</b>	N/A	N/A	N/A	N/A	14' in.	N/A	14' min.	14' min.
<b>Sidewalk Width (see Subsection (q)(5))</b>	N/A	No	4'/6' <sup>L</sup>					
<b>Bike Facilities <sup>3,6</sup></b>	N/A	N/A	No	No	Yes Path	City Option	Yes Path	Yes Path
<b>Streetscape Planting Trees</b>	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Planting Strips</b>	N/A	N/A	6'	6'	6'	City Option	6-11'	7-20'

**Notes and Rules of Interpretation:**

NR designates the item is « not required »

Table 506-4 applies only to the following development options: Commercial Center (§ 35-204), Commercial Retrofit (§ 35-206), Traditional Neighborhood Development (§ 35-207), and Transit-Oriented Development (§ 35-208), except as provided in footnote 5, below.

<sup>1</sup> See Table 506-4A below. The smaller street width with on-street parking prohibited, or the larger street width coupled with on-street parking on one or both sides of the street, may be provided if the adjoining buildings are provided with (1) an NFPA 13D fire sprinkler system for Single-Family Dwelling Units, One Family Attached Dwelling Units, Two-Family (Duplex) Dwelling Units, Two-Family Attached Dwelling Units; (2) an NFPA 13R fire sprinkler system for Multi Family buildings; or (3) an NFPA 13 fire sprinkler system for Commercial Building.

<sup>2</sup> Lesser radius can be approved by the Director of Development Services.

<sup>3</sup> Bike path and sidewalks can be combined. See section 35-506(d)(4).

<sup>4</sup> Optional 0.4% with concrete curb and gutter.

<sup>5</sup> Any provision in Table 506-3 (entitled "conventional street design standards") notwithstanding, interior streets in a subdivision that would otherwise be required to comply with the provisions of Table 506-3 may instead comply with the provisions of Table 506-4 (entitled "traditional street design standards"), regarding pavement width requirements only, provided that the connectivity ratio (see subsection (e), below and § 35-207(g) of this Chapter) shall comply with the requirements for a Traditional Neighborhood Development. The proposed development shall comply with footnote 1 hereto. Pursuant hereto, street types in such subdivisions shall comply with Table 506-4 as follows: An Alley shall be required to meet the street width standards for an Alley as provided in Table 506-4; a Conservation Access street shall be required to meet the street width standards for a Lane; a Local Type A street shall be required to meet the street width standards for a Street; a Local Type B street shall be required to meet the street width standards for an Avenue; a Collector street shall be required to meet the street width standards for a Main Street; a Secondary Arterial shall be required to meet the street width standards for a Boulevard; and Primary Arterial shall be required to meet the street width standards for a Parkway.

<sup>6</sup> When designated on bicycle master plan as approved by City Council.

<sup>7</sup> Sidewalks shall be 4 foot in width with a planting strip or 6 foot in width without a planting strip.

**Table 506-4A  
 Street Width options for Traditional Street Design Standards**

<i>Street Type</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>
	<i>Street Width</i>	<i>Parking</i>	<i>Directional</i>	<i>Fire Sprinklers</i>	<i>Alleys</i>	<i>Max. Block</i>	<i>Connections</i>	<i>Turning Radius</i>
<i>Lane</i>	18'	None	1-Way	No	No	300'	27'	25-50'
<i>Local</i>	24'	1 Side	2-Way	No	Yes	35-207(f)	NR	25-50'
<i>Local</i>	27'	Both Sides	2-Way	No	No	35-207(f)	NR	25-50'
<i>Lane</i>	16'	None	1-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Lane</i>	18'	None	2-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Lane</i>	18'	1-Side	1-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Local</i>	22'	None	2-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Local</i>	22'	1-Side	2-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Local</i>	25'	Both Sides	2-Way	Yes	Yes	35-207(f)	NR	25-50'
<i>Local</i>	26'	Both Sides	2-Way	Yes	Yes	35-207(f)	NR	25-50'

\* \* \* \* \*

**(9) Substandard eExisting Streets**

Where subdivisions within the city limits are adjacent to existing Streets and right-of-way widths of those existing Streets are less than the minimum right-of-way widths as set out in this chapter for all Streets, no building permits shall be granted until the right-of-way widths have been dedicated to the minimum widths required by this Chapter abutting the development. In addition, substandard existing streets located in the ETJ shall be upgraded to minimum standards as set forth in the code and in connection with plat approval. The provisions of this subsection shall not apply within the Infill Development Zone ("IDZ"). Curb, sidewalk and pavement improvements adjacent to the development for multi-family and commercial developments shall be provided on sub-standard width existing streets at the time of building permit. In cases where an existing fence and landscaping is present, the Director of Development Services shall require dedication of the additional right-of-way but may allow existing landscaping and fences to remain until such time as the right-of-way width is needed for infrastructure improvement. The Director shall evaluate the condition of the existing fencing and the character of the landscaping and may direct additional reconstruction of the fence or new plantings. In such cases the landscaping required by the Director shall not be greater than that required by this chapter for new projects.

\* \* \* \* \*

**(e) Connectivity**

\* \* \* \* \*

**(5) Dead-end Streets.**

Dead-end Streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot within the subdivision. Stub outs greater than one lot in depth may be allowed with the dedication of a turnaround easement.

A recorded easement may be used to address this provision of future street extensions. It is specifically noted however that such easements are for unique situations where a stub out

enters a retail center zoned either "C-2, "C-3" and "D". Such easements on or through properties zoned "L", "I-1" or "I-2" would normally not be conducive to such an easement but could be considered on an individual basis if the best interest of the public and adjoining property be met.

The use of an easement may be permitted provided it provides for each of the following:

- A. the easement shall be approved by the City (Development Service Director and the City Attorney's Office) prior to recordation in the Bexar County Deed Records,
- B. the document provides for an irrevocable access easement granted in perpetuity to the general public and the City of San Antonio,
- C. the easement's geometry and width shall equal the UDC's ROW width and design standards such as slope and curvature and be above the 100-year floodplain.
- D. the easement shall be accompanied by a maintenance agreement that the owner of the property shall maintain the easement in a safe and operable condition and shall correct any safety hazards or eminent needs if such is determined to be required by the City in order to protect the public utilizing the easement.

\* \* \* \* \*

**(8) Major Thoroughfare Plan Designated Arterial Streets**

- A. Where a proposed plat abuts a designated thoroughfare shown on the Major Thoroughfare Plan and the proposed street alignment is split or separated by an ownership boundary, the applicant of the proposed plat shall include half 1/2 of the required dedication and construction for plat approval.
- B. If a plat applicant owns all of the land designated, as a thoroughfare, and the proposed plat abuts or embraces a thoroughfare alignment, the applicant shall be responsible for 100% dedication and construction or;
- C. A plat applicant may dedicate 100% of the ROW and develop an agreement with the owner of the abutting undeveloped tract to equally share the cost and post a guarantee for construction of the full thoroughfare in connection with the approval process.

\* \* \* \* \*

**(g) Dedication of Arterial**

**(1) Adjacent streets**

The subdivider shall dedicate right-of-way and construct the required street to the width and provide pavement width and construction standards in accordance with the following table and typical sections in subsection (d) of this Section.

\* \* \* \* \*

**(i) Streetlights Street Lights**

- (1) Streetlights shall be provided in all subdivisions within the City. Streetlights are not required in the ETJ by the County. However, if proposed by the applicant, all installation, operational and maintenance cost shall be borne by the developer. Streetlights shall be installed by City Public Service at all public street intersections with other public streets, crosswalks, at safety lane intersections with public streets, midblock areas, or service areas as determined by City policies.
- (2) In subdivisions within the "RP" or "RE" zoning districts, which do not exceed two (2) dwelling units per acre, ~~or in the ETJ and proposing densities which do not exceed one (1) dwelling~~

unit per acre, the Director of Development Services may waive the requirement for streetlights for public street intersections or midblock areas where he finds that the area does not require such lighting for safe pedestrian or vehicular traffic.

**(j) Private Streets**

\* \* \* \* \*

**(4) Applicability**

Private Streets are permitted within Planned Unit Developments, the Business Park (BP) zoning district, and manufactured home/recreational vehicle parks subject to the design criteria and standards of this section. Private streets are only allowed within an Enclave subdivision subject to being designed and constructed to the standards of a public street.

\* \* \* \* \*

**(n) Medians**

**(3) Sidewalk Crossings**

Where a median or traffic divider projects across sidewalks, the median (concrete or sod) shall be opened for five (5) feet at the projection of the crosswalk. This five (5) foot opening shall be paved to the grade of the existing surface to permit wheelchair and mobility impaired persons to utilize the crosswalk. If no development is located on either side of the median then the first developer to plat or replat fronting on the median at the point of the required cut shall pay for the design and construction of the median cut to City specifications. If property on one side of the median facing upon the point of the required median cut has been previously developed, then the next developer to file a plat or replat facing on the median at the point of cut shall pay for the design and construction of the cut to City specifications.

\* \* \* \* \*

Chapter 35, Article V, Section 35-510(c), Table 510-1, and Table 510-2, Note 1 are amended as follows:

**35-510 Buffers**

\* \* \* \* \*

**(c) Types of Buffer Yards Required**

\* \* \* \* \*

**Table 510-1  
 Required Buffer Yards**

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	R-6, R-5, R-4, R-3, RM-6, RM-5, RM-4, DR	MF-25, MF-33	MF-40, MF-50	NC	O-1, C-1, C-2	O-2, C-3, BP	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	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, R-3, 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) 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	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, C-1, C-2	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	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

Notes: A, B, C, D, E, F: Buffer Yard Type Designations as shown in Exhibit below.  
N/a: Not applicable – buffer yard not required.

\* Where a use zoned O-1, C-1, C-2 adjoins an existing platted subdivision zoned RE or R-20 as of the effective date of this Chapter, a Type “D” Buffer shall be applied. Where a use zoned BP, O-2 or C-3 adjoins an existing platted subdivision zoned RE or R-20 as of the effective date of this Chapter, a Type “F” Buffer shall be applied.

\* \* \* \* \*

**(c) Types of Buffer Yards Required**

\* \* \* \* \*

**Table 510-2.  
Minimum Plant Materials Required for Each Buffer Yard Type**

\* \* \* \* \*

<sup>1</sup> Canopy Trees required for Buffer Yard Types D, E, and F shall be medium, medium/large or large shade trees that reach a mature height of at least 30 to 60+ feet. See Appendix E. Where existing or proposed overhead utility electric lines conflict with tree canopies, small or small/medium understory trees may substitute for canopy trees. See Appendix E.

Chapter 35, Article V, Section 35-511(c)(6) is amended, adding a new Section 35-511(d), renumbering 35-511(d) and 35-511(e) to 35-511(e) and 35-511(f) respectively and amending new 35-511(e)(1), (2), and (4) as follows:

**35-511 Landscaping**

\* \* \* \* \*

## **(c) Mandatory Criteria**

\* \* \* \* \*

### **(6) Irrigation**

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC Chapter 344, §§ 344.72–344.77. An in ground irrigation system consisting of water lines, water emitters and a controller is required to have a separate water service if the San Antonio Water System is the purveyor. In addition to the above irrigation requirements the following is required:

#### **A. Design requirements:**

##### **1. ~~Pressure~~ Pressure**

- (a) System to be designed to the lowest static pressure available in ~~an~~ <sup>an</sup> annual twelve month period.
- (b) If static pressure exceeds design pressure by 15 PSI or more in any zone a flow control device shall be installed.
- (c) Pressure at any point within a zone shall not vary by more than 10% from the design sprinkler operating pressure.

##### **2. Provide separate zones for:**

- (a) Turf
- (b) Plants with dissimilar water requirements
- (c) Areas with greater or lesser sun exposures
- (d) Slopes from flat/level areas (topographic information is required for zoning for slope and flat/level area design).

##### **3. Sprinkler head spacing**

- (a) Head spacing shall not exceed 50% of diameter
- (b) Spacing shall make allowance for local wind conditions
- (c) Trim perimeters with correct arc and radii selection to eliminate water thrown onto non-landscaped areas
- (d) Show radius/diameter and arc of coverage of a representative number of each type of sprinkler head

##### **4. Landscape water schedule - produce a water schedule for the landscape at a minimum of 80% ET (evapotranspiration) as determined by the local ET.**

#### **B. Equipment**

##### **1. Controller requirements**

- (a) On/off rain switch or other rain shut off device that does not alter program
- (b) Multiple programming capacity
- (c) Controllers capable of a minimum of 3 cycles per program

##### **2. Valves: Flow control devices on all remote control valves (including a master control valve).**

##### **3. Sprinklers**

- (a) Use of low-angle heads is encouraged.
- (b) Pop-up sprinklers and shrub risers will be at a height to clear turf, trees, shrubs, other planting and objects such as fences allowing no obstruction of

- spray pattern.
- (c) Pop-up type shrub risers should be used in areas where pedestrians/auto traffic may occur. Drip irrigation should be used in areas between the curb and sidewalk and parking lot areas where over spray onto pavement may occur in accordance with manufacturers recommendations.
- (d) Low head drainage is to be eliminated or minimized through design or by use of check valves.
- (e) Sprinkler heads shall be attached to rigid lateral lines with flexible material, swing joints to reduce potential for breakage.
- 4. Any device on a pressurized line (such as a quick-coupler valve) should be preceded by some sort of isolation valve separate from the primary shut-off valve.

**(d) Artificial Lots**

If a building site is over two (2) acres in size, the applicant may request that the Director of Development Services designate an artificial lot to satisfy the requirements of this article. If request, the Director of Development Services shall designate an artificial lot consistent with the purposes and requirements of this article and in accordance with the criteria below.

- (1) An artificial lot may be designated by the Director of Development Services if it:
  - A. Wholly includes the area on which the construction work is to be done;
  - B. Does not exceed seventy-five (75) percent of the area of the building site; and
  - C. Depicts and includes all proposed and existing buildings and structures, access drives, appurtenant parking required for the building expansion or new building construction, and other areas functionally appurtenant to the buildings or structures.

**(e)(d) Elective Criteria**

**(1) Generally**

In addition to the mandatory requirements, landscape plans shall earn a minimum of seventy (70) points awarded for elective requirements. As an exception to this requirement, landscape plans for commercial projects ~~that parking lots and uses which~~ do not include ~~off-street~~ any off-Street parking within the Street yard shall earn a minimum of twenty-five (25) points.

**(2) Tree preservation**

A maximum of forty (40) points shall be awarded for the preservation of existing healthy trees. Full credit in accordance with the criteria listed below shall be earned for the preservation of trees within the Street yard up to thirty (30) points. Half credit may be earned for preserving trees within the Street yard above thirty (30) points. Half credit may also be earned for preserving trees outside the Street yard up to a maximum of fifteen (15) points. These points shall be included within the maximum forty (40) points permitted by this elective. Points shall be tabulated for each tree retained in accordance with the following criteria:

Description	Points Awarded
*DBH Caliper equal to or exceeding 4, but less than 6 inches	3
*DBH Caliper equal to or exceeding 6, but less than 12 inches	4
*DBH Caliper equal to or exceeding 12, but less than 18 inches	6
*DBH Caliper equal to or exceeding 18 inches	8

\* DBH – Diameter at breast height at 4.5 feet above ground.

\* \* \* \* \*

**(4) Parking Lot Shading**

Twenty (20) points are awarded for compliance with subsection (c)(7), above. Further, an additional:

- A. Five (5) points are awarded when surface parking lots include canopy trees, as defined in Appendix A, which shade a minimum of thirty-five (35) percent of the ~~entire parking lot~~; and any individual parking lot; and
- B. Fifteen (15) points are awarded when surface parking lots include canopy trees, as defined in Appendix A, which shade a minimum of fifty (50) percent of a ~~parking lot~~ any individual parking lot.

**(f)(e) Variances**

Chapter 35, Article V, Sections 35-515(a) and 35-515(d) are amended as follows:

**35-515 Lot Layout Regulations**

**(a) Buildings to be on a lot**

Except as permitted in the planned unit development district, every building shall be located on a lot. In the RP and Residential Zoning districts, no more than one (1) principal building may be erected on a lot unless otherwise permitted in this chapter.

***Building on or near common property line***

Construction on or near a common property line of two or more retail/service uses may be permitted after complying with all other provisions of the UDC and then current Building Codes subject to the recording in the Bexar County Deed Records an Operational Easement Agreement (OEA) which provides for each of the provisions as follows:

- A. Provision of a written description of the responsibilities, limitations, and liabilities of the arrangement between the separate property owners that allows for the individual building be considered as a single building group (when viewed together).
- B. Specifies that the owners of the separate property in the proposed building group agree to maintain a maximum one story, fully sprinkled building group, with a 60' yard on all sides (when viewed as a group),
- C. Notes that where a lot line passes through the building group, either an area separation wall of four (4) hours fire-resistive construction or 2-two (2) hour area separation walls will be constructed. These firewalls will limit the potential fire exposure of each owner's portion of the common structure.
- D. Notes that a 60' yard may be provided by a platted "No Build" easement adjacent to the building or building group.
- E. The OEA is in perpetuity, is irrevocable without the City's written authorization, is signed by each property owner, is recorded in the Bexar County Deed Records and so noted on each plat of the participating properties.

\* \* \* \* \*

**(d) Driveways**

*Restrictions on driveway areas are designed to avoid the domination of front yards by large expanses of impervious surfaces, which deaden the Streetscape and discourage pedestrian activity. Reducing the width of driveways can reduce total site imperviousness. Some techniques that can be used include:*

- (1) Driveways and other impervious surfaces shall not comprise more than the percentage of the front yard as specified in Column (B) for the use patterns or zoning districts designated in Column (A). Driveway entrances shall not comprise more than the percentage of the front lot line as designated in Column (B). Parking may be provided in the rear yard, and access may be provided through alleys, where the front yard is insufficient to accommodate a driveway.

**Table 515-1**  
**Percent Driveway Width**

(A) Zoning District or Use Pattern	(B) Maximum Percent of Front Yard
TND, TOD, MXD, D, IDZ	30%
R-6, RM-6, R-5, RM-5, R-4, RM-4, R-3, MF-18, MF-25, MF-33, MF-40, MF-5550, NC	50%

- (2) In order to reduce impervious surfaces, shared driveways shall be permitted in any zoning district classification. In order to reduce runoff and increase stormwater travel times, alternative materials for driveway surfaces, such as pervious pavers or gravel, shall be permitted in any Residential Zoning District.
- (3) Table 515-1 shall not apply to irregular shaped lots as defined by Section 35-516(l) of this Chapter.

Chapter 35, Article V, Sections 35-516(a) and 35-516(d) are amended and a new Section 35-516(o) is added as follows:

### **35-516 Setback and Frontage Regulations**

#### **(a) Front and side setbacks**

~~Front and side setbacks adjacent to streets shall be shown on all plats as required by Article III of this Chapter. A subdivider may elect to impose setbacks on a plat that are more restrictive than zoning setbacks, however, such setbacks must be enforced through restrictive covenants. The city shall only enforce setbacks required by this Chapter. The following shall be annotated on plats where the setbacks exceed the zoning setback requirements. "The setbacks on this plat are imposed at the discretion of the property owner or Bexar County and are not subject to enforcement by the City of San Antonio."~~

\* \* \* \* \*

#### **(d) Variation in front yard**

In any block in which seventy (70%) percent of the lots have front yards that are less than required by the existing zoning, construction on any remaining vacant lots is permitted to the average yard of the existing improved lots. In any block in which seventy (70%) of the lots have front yards that are more than required by the existing zoning construction on any remaining lot is permitted to the average yard of the existing improved lots.

\* \* \* \* \*

**(o) Previous plats**

The setback line, as shown on all previously approved and recorded plats shall be recognized as the official setback line.

Chapter 35, Article V, Section 35-526(b) is amended by changing references to tables and adding a new subsection (7) as follows:

**35-526      *Parking & Loading Standards***

\* \* \* \* \*

***(b) Table of off-Street parking requirements***

- (1) ~~Table 526-3A or Table 526-3B establish~~ Table 526-3 establishes the minimum number of parking spaces required, the maximum number of parking spaces permitted, and the minimum number of bicycle spaces required, for the uses indicated. Applicants are entitled to a reduction in the minimum parking requirements of ~~Table 526-3A or Table 526-3B~~ Table 526-3 pursuant to § 35-523(f)(2) of this Code to help meet the minimum tree preservation requirements.
- (2) Where the parking variable indicated in ~~Table 526-3A or Table 526-3B~~ Table 526-3 is the number employees, the parking requirements shall be based on the largest shift rather than the total number of employees.
- (3) Where the parking variable indicated in ~~Table 526-3A or Table 526-3B~~ Table 526-3 is square footage, the square footage shall not include any floor area accessory to a retail use devoted exclusively to storage or employee training.
- (4) For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.
- (5) Structured Parking and Pervious Pavement shall not be subject to the maximum parking requirements.
- (6) The Director of Development Services Administrator may waive up to fifty percent (50%) of the minimum parking spaces required by ~~Table 526-3A and Table 526-3B~~ Table 526-3 upon a written finding that the waiver will result in the preservation of woodlands or significant stands of trees in a natural state, or that the waiver will further a public purpose established in the Master Plan.
- (7) Storage in front and side yards. There shall be no parking or storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard as required by this chapter in any residential zoning district and/or property or in any side yard or rear yard which abuts any residential zoning district and/or property unless specifically permitted by Table 311-2 Non-residential Uses and complies fully with all screening, buffering and landscape provisions of this code.

Chapter 35, Article VI, Section 35-670(b)(4) is amended as follows:

**35-670      *Criteria for Certificate of Appropriateness --Generally***

\* \* \* \* \*

**(b) Design Objectives for River Improvement Overlay Districts**

\* \* \* \* \*

**(4) Design Objectives for "RIO-4" River Improvement Overlay District - 4**

- A. Encourage urban quality mixed-use developments.
- B. Preserve and enhance historic character as well as emphasize street scene.
  - Construct new development that complements the nearby historic King William area but does not mimic its style.
- C. Encourage new development in clustered nodes.
  - Development nodes should overlook the river, or be located at major intersections.

Chapter 35, Article VI, Section 35-673(i)(1)E is amended as follows:

**35-673 Site Design Standards**

\* \* \* \* \*

**(i) Street Furnishings**

Street furnishings are exterior amenities, including but not limited to, tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and similar items that help to define pedestrian use areas. Handcrafted street furnishings are particularly important in San Antonio, and therefore this tradition of craftsmanship and of providing street furniture is encouraged.

**(1) Prohibited Street Furnishings in River Walk Area of RIO-2 and RIO-3**

The following street furnishings are prohibited within the publicly owned portion of the River, whether or not the property is leased, and on the exterior of the riverside of buildings directly adjacent to the publicly owned portion of the river:

- A. Vending Machines
- B. Automatic Teller Machines
- C. Pay phones
- D. Photo booths
- E. Automated machines such as, but not limited to, penny crunching machines, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.
- F. Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animal, cartoon or human figure. This section does not affect public art as defined in Appendix A of this Chapter.

Chapter 35, Article VI, Section 35-678(q) is amended as follows:

**35-678 Signs and Billboards**

\* \* \* \* \*

**(q) Violations in River Improvement Overlay Districts and on the River Walk**

In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the Department of Development Services ~~department of Development services~~ or Park Police shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Department of Development Services ~~department of building inspections~~ or Park Police may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the City Attorney from seeking civil remedies.

Chapter 35, Article VI, Section 35-680(c) is amended as follows:

**35-680 Demolition of Historic Features in the River Walk Overlay Districts**

\* \* \* \* \*

**(c) Penalties**

Penalties for demolition of architectural features, artwork, furniture and other items discussed in this section shall be the same as those listed in Sections 35-491(c)(3) and (35-491(c)(4)).

Chapter 35, Appendix A, Section 35-A101 is amended by adding and amending the following definitions as follows:

**Appendix A Definitions and Rules of Interpretation**

**35-A101 Generally**

\* \* \* \* \*

**Convenience Store** – A retail outlet supplying groceries and travel products (convenience stores may also provide gasoline, diesel sales and a car wash as provided for in § 35-311 Table 311-2 of the UDC.)

**Gasoline Filling Station** – A retail outlet for the dispensing of vehicular fuels to the general public. Diesel fuel storage on site shall be limited to a maximum of 5,000 gallons. (Gasoline filling stations may provide car wash services or auto repair as provided for in § 35-311 Table 311-2 of the UDC.)

**Gasoline Filling Station – Fleet** - A commercial vehicle fueling station or for the dispensing of vehicular fuels under a gas card-lock or fuel card-lock system or other system in which a purchaser, under a previously entered into contractual arrangement with the seller, is provided a card, key, or other item or device to unlock or operate the dispensing equipment when no employee is present on the premises.

**Car Wash** – A facility that provides for the washing, drying, vacuuming and detailing of automobiles and light trucks. Includes automatic and attendant operated, attendant operated handwash, automatic drive-thru, and self-service. (Car washes may be attendant operated or self operated as provided for in § 35-311 Table 311-2 of the UDC.)

**Truck Wash (Laundry)** – A facility that provides for the washing, drying, vacuuming and detailing of vehicles with a weight in excess of 4,000 pounds. (Truck washes (laundry) may be attendant operated or self operated as provided for in § 35-311 Table 311-2 of the UDC.)

**Viewshed** - Any area of open sky or view in front of or behind: (1) the major entrance to a designated historic landmark building, object, site or structure; (2) the primary access point or points to a designated historic district; (3) the primary access to a major tourist attraction or amusement park; or (4) the primary view or access point to the San Antonio River Walk, a city lake or amusement park that has been defined by Article III, Division 6, Subdivision F of this chapter.

Chapter 35, Appendix B, Sections 35-B101(c) and Table B101-1 are amended as follows:

### 35-B101 Specifications For Documents To Be Submitted

\* \* \* \* \*

#### (c) Information Required

No application for development approval shall be accepted unless the following information and data required is included. The required information and data is set forth in Table B-1, below, and any specific regulations set forth in §§ 35-B102 et seq. An asterisk (\*) indicates that the item listed in the row heading is required for the item listed in the column heading. The information and data is listed in each row under column (A). If an asterisk (\*) appears in Column (B), the information or data is required for a Master Development Plan. If an asterisk (\*) appears under Column (C), the information or data is required for a PUD Plan. If an asterisk (\*) appears in Column (D), the information or data is required for a major subdivision plat. If an asterisk (\*) appears under Column (E), the information or data is required for a minor subdivision plat. If an asterisk (\*) appears in Column (F), the information or data is required for a development plat. If an asterisk (\*) appears in Column (G), the information or data is required for a specific use permit.

**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 PERMIT

A. GENERAL

(1)	Proposed name of subdivision or development if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the County.	*	*	*	*
(2)	City assigned Master Development Plan ID number	*	*	*	*
(3)	City assigned Plat ID number			*	*
(4)	ERZD designation note as applicable			*	*

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 PERMIT

B. OWNERSHIP

- |     |   |   |   |   |   |
|-----|---|---|---|---|---|
| (1) | Name and address of owner of record, developer and designer.  | * | * | * | * |
| (2) | The names of all adjacent property owners as shown on current tax records.  | * | * |   |   |
| (3) | Certificate of agency or power of attorney if other than owner  | * | * | * | * |
| (4) | Names and lot numbers of adjacent plats   |   |   | * | * |
| (5) | A table shall be provided on each sheet of the plat indicating the lots on which required ADA passing space are required. The passing space shall meet then current ADA regulations concerning size slopes and distance separation. |   |   | * | * |

C. APPROVALS

- |     |  |   |   |   |   |   |
|-----|--|---|---|---|---|---|
| (1) | Signature blocks prepared for the dated signatures of the Chairperson and Secretary (Director of Development Service or assignee) of the authorized approval entity. | * | * | * | * | * |
|-----|--|---|---|---|---|---|

D. LEGAL

- |     |   |  |   |   |   |
|-----|---|--|---|---|---|
| (1) | Owner's certificate of consent including a legal description of the boundaries of the proposed development and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized prior to recording the instrument. |  |   | * | * |
| (2) | Proposed covenants on the property, if any, including a map and legal description of area affected.   |  | * |   |   |
| (3) | Copies of maintenance agreements for privately owned drainage facilities.   |  |   | * | * |

E. PROPERTY SURVEY AND TOPOGRAPHIC

- |     |   |   |   |   |   |
|-----|---|---|---|---|---|
| (1) | Two points identified by Texas Planes Coordinates   | * | * | * | * |
| (2) | Basis of bearings used and a north point.   | * | * | * | * |
| (3) | Boundary of the development and total acreage encompassed, thereby described and mapped at an appropriate scale.  | * | * |   |   |
| (4) | Legal description and exhibit of the property at appropriate scale showing the boundary. Description may be related to the USGS, state grid north, if two adjacent corners are shown. |   |   | * | * |
| (5) | Topographic contour intervals of no greater than ten (10) feet.   | * |   |   |   |

	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 PERMIT
(6)	Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than five percent (5%) then either one foot contours or spot elevation shall be provided where necessary.		*	*	*		
(7)	All monuments erected, and corners established in the field. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown.			*	*	*	
F. PLANNING							
(1)	Date of preparation.	*	*	*	*		
(2)	Graphic and written scale and north arrow	*	*	*	*		
(3)	A location map at a scale of not less than <del>than</del> 1" = 2,000' indicating the location and distance in relation to adjacent streets and all surrounding major thoroughfares. The location map is to be located in the top left hand corner of the sheet.	*	*	*	*		
(4)	Total area of property	*	*	*	*		
(5)	All existing easements or right-of-way and street names, including those contiguous to the development area, their nature, width, and the volume and page number of their recording.			*	*		
(6)	All existing easements or right-of-way with street names impacting the development area, their nature and width.	*	*				
(7)	The location and widths of all proposed public and private streets within the development's boundaries.			*	*		
(8)	The approximate location and widths of all proposed public and private streets within the development's boundaries.		*				
(9)	The approximate location and widths of all proposed public and private streets major thoroughfares, collectors and local b streets within the development's boundaries. For Master Plans (MDPs) 100 acres or less, the double line representation of all streets shall be required. (See exhibit "A")	*					
(10)	The location of all proposed uses or zoning classifications as applicable and the maximum allowable intensity (residential density or non-residential FAR)		*				
(11)	The location and general nature of proposed uses and proposed intensity (residential density or non-residential FAR)	*					
(12)	Notation of any restrictions required by the City Council in accordance with this Ordinance.		*				
(13)	Notation of any restrictions required as part of the platting process in accordance with this Ordinance.			*	*		
(14)	The location of all entrances onto existing and/or proposed adjacent roadways, whether existing or proposed.	*	*				
(15)	The location and dimensions of all proposed or existing lots.		*	*	*		

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 PERMIT
(16) The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision, where applicable.	*	*	*	*		
(17) A development phasing schedule including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.	*	*				
(18) The schematic location of all existing and proposed streets, as well as proposed access points. The schematic location of all existing and proposed streets, as well as proposed access points. For Master Development Plans (MDPs) greater than 100 acres <u>where</u> more than one sheet is necessary to accommodate the entire site, single line representation of all streets not listed in subsection (9) shall be allowed or the engineer can choose to submit a supplemental for his development showing all streets in double line representation. Additional supplemental plans shall be submitted as additional segments of the original Master Plan are developed. (See Exhibit "B")	*	*				
(19) The schematic location of the pedestrian circulation system including walkways and bicycle paths, where applicable.	*	*				
(20) (Conservation Subdivisions only) A slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-10%, 10-20%, 21-30%, 31-40%, and slopes exceeding 40%, including a tabulation of the number of acres in each slope percentage.	*	*				
(21) A delineation of EARZ, wetlands and floodplains. Conservation Subdivisions and PUD Plans shall also delineate Woodlands.	*	*				
(22) The location, acreage, category and type of improvements, if any, for active and passive open space, including Greenbelt and active recreation space areas, private recreational areas.	*	*				
(23) Tabulation of the number of acres in the proposed development, showing the total number of lots, and area of open space for the site including the following:						
a. Square footage of all buildings and structures.						*
b. For non-residential uses, multi-family dwellings, and any portion of a site located within the EARZ, the approximate location and area of impervious cover.						*
c. Square footage of all paved or otherwise hard surfaced streets, parking facilities, including curb and gutters, walks, loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.						*
(24) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan: (note: this information shall not be required to be shown on the plat)						
a. Total number of dwelling units, by development phase;	*	*				
b. Residential density and units per acre;	*	*				
c. Total floor area and floor area ratio for each type of use;				*		
d. Total area in passive open space;				*		

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 PERMIT
e. Total area in active developed recreational open space; and		*				
f. Total number of off-street parking and loading spaces.		*				
(25) Traffic Impact Analysis (section 35- 502)	*	*	*	*		
(26) Utilities Plan		*	*			
<b>H. DESIGN</b>						
(1) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in Bexar County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of seven and one-half (7.5) 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 a diskette in ArcInfo or ArcView software, or a computer file with a ".dxf" format which is translatable to ArcView.			*	*		
(2) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjacent property owners or subdivision name when adjacent property is a platted subdivision from the latest certified assessment rolls	*		*	*		
(3) Final location, arrangement and dimensions of all proposed and existing lots.			*	*		
(4) Lots numbered as approved by the City.		*	*	*		
(5) <del>Layout shall show where Lot setbacks as required.</del> Layout shall show setbacks for areas located in the ETJ. (setbacks are not required for plats inside the City limits).		*	*	*		*
(6) Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas.		*				*
(7) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way, as part of a request for LOC			*	*		
(8) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage, as part of a request for LOC			*	*		
(9) All roadway locations and dimensions, their names, numbers, and rights-of-way with profiles and cross sections of all proposed streets showing proposed			*	*		

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 PERMIT
	<p>cuts and fills, as part of a request for LOC.</p> <p>(10) Location and size of existing water and sewer mains together with intended water sources and sewage disposal sites, as part of a request for LOC</p> <p>(11) Location of existing springs or public water supply, as part of a request for LOC</p> <p>(12) Location of proposed water and sewer lines, as part of a request for LOC.</p> <p>(13) Location of proposed fire hydrants, as part of a request for LOC.</p> <p>(14) A tree affidavit/permit application <del>preservation plan</del> (section 35-B123)</p> <p>(15) The location, dimensions and type of all walls, fences (other than fences on private residential lots) and landscaping.</p> <p>(16) Tree Stand Delineation (Section 35-B125 General)</p> <p>(17) Location and size in acres of school sites, as applicable.</p> <p>(18) The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.</p> <p>(19) A stormwater management plan (section 35-B119)</p> <p>(20) Street, alley and cross walkway plans (section 35-B120)</p>					

\*1 Specific Use Permits shall only require a storm water management plan when the site is located over the Edward Recharge Zone (ERZD).

Chapter 35, Appendix B, Sections 35-B113(a) and 35-B113(b) are amended as follows:

**35-B113 Planned Unit Development (PUD) Plans**

### **(a) Number of Copies**

The Director of Development Services Planning may require the applicant to submit up to seven (7) processing copies and fifteen (15) final blue or black-line folded prints with respective department / agency request for reviews attached, a legible 8 ½ " X 11" reduced copy of the plan proposal accompanied with the plan review fee... In addition to the hard copies, information shall be submitted in a Digital Data format as out-lined in 35-B101(e).

### **(b) Format**

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by the Director of Development Services Planning. Where more than one sheet is necessary to accommodate the entire project site, an index sheet showing the entire area at an appropriate scale shall be attached.

Chapter 35, Appendix B, Section 35-121 is amended by amending Subsection 35-B121(c) by deleting Subsection (13) and renumbering the remaining subsections, and amending Subsection 35-B121(d), Subsection 35-B121(e), Subsection 35-121(f)(4), and Subsection 35-121(f)(11) as follows:

## **35-B121 Subdivision Plat Applications**

### **(c) Contents**

The plat applications shall include the following:

- (1) All of the information required by Table B-1 of this Appendix.
- (2) A performance agreement, if one is required by § 35-436.
- (3) The tax certificates and letters of certification required by § 35-431.
- (4) The plat number issued by the department of planning in the upper right corner, scale, north arrow, and date.
- (5) The name of the subdivider and the name of the record owner of the land involved.
- (6) Location of the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part giving the dimensions of the subdivision.
- (7) The primary control points, approved by the ~~d~~Director of ~~p~~Public ~~w~~Works, or descriptions and ties to such control points, to which all dimensions, angles, bearings, new city block number or county block number, and similar data on the plat shall be referred; and four (4) points on the perimeter of the subdivision, identified by coordinates that relate to the state plane coordinate system.
- (8) The tract boundary lines, the exact location and width of all existing or recorded streets, easements, and other rights-of-way intersecting the boundary or streets, easements, and other rights-of-way forming the boundary of the tract being subdivided, and property lines of residential lots and other sites with accurate dimensions, bearing or deflecting angles and radii, area, and central angles of all curves.
- (9) Final contour data to show drainage of the site of the proposed subdivision. If the average grade of the site is five (5) percent or less, the maximum contour interval to be used shall

be two (2) feet. If the average grade exceeds five (5) percent, the maximum contour interval may be increased to five (5) feet.

- (10) The name and width of each public and private street or other right-of-way in or adjacent to the subdivision. The right-of-way width on all streets and safety lanes shall be displayed by an overall dimension. The dimensions of the division of the right-of-way on public streets between the ~~center line~~ centerline of the right-of-way and respective adjacent property line shall be shown. Also, private streets and safety lanes shall be designated as such.
- (11) The name of the subdivision (no more than 35 characters), legal description of the property, and a number to identify each lot or site
- (12) Location, dimensions, and purpose of any easement or reservation and location of any ~~high pressure~~ high-pressure oil, gas, or gasoline lines. Easements which are designated to be converted into public street right-of-way on a subsequent plat shall be annotated with the following note: "Easement to expire upon incorporation into platted public street right-of-way."
- ~~(13) Front and side setback lines adjacent to streets, where required.~~
- ~~(14)~~(13) The city limits line and the extraterritorial jurisdiction line if either traverses the subdivision.
- ~~(15)~~(14) The location map indicating the location of the plat in relation to adjacent streets and at least two (2) major thoroughfares in the vicinity.
- ~~(16)~~(15) Locations and dimensions of any potential recharge features which have been assessed as a high concern feature as designated in the 1987 Report entitled "The Edwards Aquifer: Perspectives For Local and Regional Action" or the latest adopted revision of the assessment chart used to assess such features.
- ~~(17)~~(16) The county clerk's certificate of authentication as required by the applicable county.
- ~~(18)~~(17) Wastewater EDU note. The number of wastewater equivalent dwelling units (EDUs) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the planning department.

## **(d) Letters of Certification**

### **(4) Certificates of city departments**

Letters of certification from the departments of Development Services ~~public works~~, Planning, and Parks and Recreation stating that they have received and approved or disapproved the applicable data required by subsection (e), below.

### **(e) Data required for letters of certification**

To obtain the required letters of certification, an applicant for plat approval shall submit the following data to the certifying agencies/departments. All data shall be annotated with the plat number of the associated plat.

- (1) Department of Development Services ~~public works~~:

\* \* \* \* \*

### **(f) Certification and Forms**

**(4) Form D: Approvals**

Approval of the Planning Commission or the Director of Development Services ~~director of planning~~ as follows:

A. For minor plats and amending plats to be approved administratively:

This plat of (name) has been submitted to the City of San Antonio, Texas, and having been reviewed by the Director of Development Services Planning, is hereby approved in accordance with state or local laws and regulations as indicated below.

Minor or amending plat approved by the Director of Development Services Planning

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.

BY: \_\_\_\_\_  
Director of Development Services Planning

\* \* \* \* \*

**(11) Form L: Release of Obligations under Performance Agreement**

Upon Release Send to: \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City and Zip Code \_\_\_\_\_

Dated \_\_\_\_\_

For \_\_\_\_\_

(subdivision, plat number)

State of Texas XX  
County of Bexar X

Know all men by these presents, that the City of San Antonio, a municipal corporation, by \_\_\_\_\_, its Director of Development Services planning, does hereby release \_\_\_\_\_, his heirs, and assigns, successors, or subsequent purchasers having any right, title or interest in the property described as \_\_\_\_\_ (name and plat number) \_\_\_\_\_, from any and all obligations incurred under the performance agreement executed \_\_\_\_\_, concerning the construction of site improvements on the property known as (name and plat number).

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of San Antonio

By: \_\_\_\_\_  
Director of Development Services

Attest:

\_\_\_\_\_  
Title: \_\_\_\_\_

Chapter 35, Appendix B, Section 35-B129 is amended by adding a new subsection 35-B129(c) as follows:

**35-B129 Historic Preservation Materials**

\* \* \* \* \*

**(c) Miscellaneous**

All other applications shall include the following information:

- (1) Preliminary plans with building elevations
- (2) Working scale drawings/specifications
- (3) Drawings 8½" x 11" reproducible sheets
- (4) Scale site plan
- (5) Photographs of building site for new construction
- (6) Paint samples with brand name and number
- (7) Roofing material sample
- (8) Siding sample
- (9) Letter of permission from property owner if the applicant is not the owner.

Chapter 35, Appendix C is amended as follows:

### **Appendix C Exhibit C** **Fee Schedule**

Chapter 35, Appendix C, Section 35-C103 is amended by adding a new fee as follows:

### **35-C103 Subdivision and platting fees**

The following fees are established for plats and subdivision related matters. Platting fees shall be paid at the time of plat application. Any adjustments to the platting fees and other plat related fees shall be paid at the time of formal plat filing. Other fees shall be paid at the time of application.

<b>(A)</b> <b>Permit, Development Order, Document or Action</b>	<b>(B)</b> <b>Fee Amount</b>
Major subdivision plat fees	Base fee . . . \$625.00 Single family development (per lot*) . . . \$64.00 Nonsingle family development (per acre*)\$480.00
Minor plats	0 to 3 acres . . . \$595.00 3.1 to 10 acres . . . \$805.00 10.01 to 20 acres . . . \$1,075.00 20.1 <u>acres</u> or greater . . . \$1,610.00 Per lot . . . \$58.71 Per acre over 20.1 . . . \$103.00
Development plat, per plat	\$540.75
Amending plat fee	\$504.70
Building Setback Replat	\$100.00
Variance fee, per request	\$145.00
Plat deferral fee, per request	\$391.40
Time extension fee	\$252.35
Vacating declaration fee	\$283.25
Replat fee, per plat	\$430.00
Emergency add-on fee	\$442.90
Plan (Completeness) review fee, per review	\$500.00
Plan amendment fee, per amendment	\$500.00
Notification list fee:	Inside city limits . . . \$52.00 Outside city limits . \$104.00
Street name change application fee	\$250.00
Street name change installation	\$150.00

fee (per sign)	
Postponement of planning commission hearing fee, per processed postponement	\$309.00
Development rights determination	\$160.00
Design Criteria Manual	\$45.00
Master Plan Amendment	\$450.00

\*This does not include lots or acres reserved for parks or open space pursuant to § 35-503 of this Chapter.

\* \* \* \* \*

Chapter 35, Appendix E, Section 35-E101 is amended to reformat table, include clarifying titles, and to include a column titled "Shade Area" as follows:

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

<b>TREES</b>				
<b>Small:</b> Fifteen (15) to twenty-five (25) Feet; <b>Medium:</b> Twenty (25) to Forty (40) Feet; <b>Large:</b> Forty (40) Feet and Higher (60'+)				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Height</b>	<b>Remarks</b>	<b>Shade Area</b>
Anacacho, Orchid tree	Bauhania congesta	S-M	Semi-Evergreen, tree-shrub, white flower clusters	<u>275</u>
Anaqua*, Sandpaper tree	Ehretia anacua	M-L	Evergreen broadleaf; white flower clusters	<u>875</u>
Arizona Cypress	Cupressus arizonica	M-L	Evergreen conifer; gray green foliage; pyramidal shape	<u>875</u>
Texas Ash, Green Ash	Fraxinus sp.	M-L	Deciduous; fast growing	<u>875</u>
Ashe Juniper*	Juniperus ashei	S-M	Evergreen conifer; green foliage, females fruit	<u>275</u>
Bald Cypress*	Taxodium distichum	L	Deciduous conifer; fine textured foliage; fall color	<u>1200</u>
Black Willow*	Salix nigra	M-L	Deciduous; riparian species	<u>875</u>
Bur Oak*	Quercus macrocarpa	L	Deciduous; large acorns and leaves, good shade tree	<u>1200</u>
Carolina Buckthorn	Rhamnus caroliniana	S-M	Semi-Evergreen; sun-shade, glossy leaves, reddish fruit	<u>275</u>
Cedar Elm*	Ulmus crassifolia	M-L	Deciduous; narrow canopy, good shade tree for R.O.Ws	<u>875</u>
Chinquapin Oak*	Quercus muhlenbergii	M-L	Deciduous; round-topped tree; bold foliage	<u>875</u>
Condalia, Brazil Tree, Bluewood Condalia*	Condalia hookeri, C. viridis	S-M	Evergreen; delicate foliage; very drought tolerant; sun-shade, good shade tree	<u>275</u>
Cottonwood	Populus deltoides	L+	Deciduous; large leaves, females fluffy seeds	<u>1200</u>
Crabapple, Texas*	Mollis texana	S-M	Deciduous, full to partial sun, spring flowering tree	<u>275</u>
Desert Willow*	Chilopsis linearis	S	Deciduous; pink tubular flowers; willow-like foliage, very drought	<u>n/a</u>

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			tolerant	
Deodar Cedar	<i>Cedrus deodara</i>	L	Evergreen; spreading pyramidal shape	<u>1200</u>
Ebony, Texas	<i>Pithecellobium flexicaule</i>	S	Evergreen; sun; white flowers	<u>n/a</u>
Escarpment Black Cherry*	<i>Prunus serotina</i> var. <i>eximia</i>	M-L	Deciduous; sun to shade; fall foliage	<u>875</u>
Eve's Necklace*	<i>Sophora affinis</i>	M-L	Deciduous; sun-shade; white to pink flowers	<u>875</u>
Goldenball Lead Tree*	<i>Leucaena retusa</i>	S-M	Deciduous; delicate foliage; fragrant yellow flowers	<u>275</u>
Hackberry	<i>Celtis</i> spp.	M-L	Deciduous; prolific; wildlife favorite	<u>875</u>
Honey Locust	<i>Gleditsia triacanthos</i>	M	Deciduous; thornless varieties available	<u>550</u>
Huisache*	<i>Acacia farnesiana</i>	M	Deciduous; delicate foliage; fragrant yellow flowers	<u>550</u>
Kidneywood	<i>Eysenhardtia polystachya</i>	S	Deciduous; delicate tree-shrub; fragrant white flowers	<u>n/a</u>
Lacy Oak*	<i>Quercus laceyi</i>	M	Deciduous; sun-partial shade; hill county native, good shade tree	<u>550</u>
Live Oak*	<i>Quercus virginiana</i>	M-L	Evergreen-like; good shade tree	<u>875</u>
Mesquite*	<i>Prosopis glandulosa</i>	S-M	Deciduous; lacy spreading form	<u>275</u>
Mexican Buckeye	<i>Ungnadia speciosa</i>	S	Deciduous; pink-red spring flowers	<u>n/a</u>
Pecan*	<i>Carya illinoensis</i>	L+	Deciduous; needs lots of space; sensitive to root impact	<u>1200</u>
Persimmon, Texas*	<i>Diospyros texana</i>	S-M	Deciduous; sun-shade, smooth bark; females has black pulpy fruit	<u>275</u>
Plum, Mexican*	<i>Prunus mexicana</i>	S	Deciduous; sun to shade; white flowers, fruit	<u>n/a</u>
Possum Haw*	<i>Ilex decidua</i>	S-M	Deciduous; sun-shade; female has red fruit	<u>275</u>
Retama, Paloverde	<i>Parkinsonia texana</i>	S-M	Deciduous; fast growing, yellow flowers	<u>275</u>
Red Oak, Shumard	Shumard <i>Quercus shumardii</i>	L	Deciduous; fall color, good shade tree	<u>1200</u>
Red Oak, Texas	<i>Quercus texana</i>	M	Deciduous; fall color, good shade tree	<u>550</u>
Redbud, Texas, Oklahoma, Mexican*	<i>Cercis canadensis</i> var. <i>texana</i>	S-M	Deciduous; sun-shade, red/pink or white flowers	<u>275</u>
Rusty Blackhaw	<i>Viburnum rufidulum</i>	S	Deciduous; fall color, white flower clusters	<u>n/a</u>
Silk-tassle*	<i>Garrya ovata</i>	S	Evergreen; sun-shade	<u>n/a</u>
Spiny Hackberry	<i>Celtis pallida</i>	S	Evergreen; greenish white flowers, yellow orange fruit	<u>n/a</u>
Sycamore, Mexican	<i>Platanus mexicana</i>	L+	Deciduous; large leaves, good shade tree	<u>1200</u>
Sycamore, Texas*	<i>Platanus glabrata</i>	L+	Deciduous; large leaves, good shade tree	<u>1200</u>
Texas Mountain Laurel*	<i>Sophora secundiflora</i>	S	Evergreen, part shade to full sun; fragrant purple flowers	<u>n/a</u>
Texas Pistache	<i>Pistacia texana</i>	S	Semi-Evergreen; full sun to part-shade; red fruit	<u>n/a</u>
Wafer Ash, Hop tree	<i>Ptelea trifoliata</i>	S	Semi-Evergreen; sun-shade; light green foliage	<u>n/a</u>
Western Soapberry	<i>Sapindus drummondii</i>	M-L	Deciduous; full to partial sun; good shade tree, cluster large yellow flowers	<u>875</u>
Wild Olive	<i>Cordia boissiereri</i>	S-M	Semi-Evergreen; large white flowers,	<u>275</u>

			hardy to ~14°F	
Vitex, Chaste Tree, False Hemp Tree, Lavender Tree*	Vitex agnus-castus	S-M	Deciduous; purple, pink, or white flower spikes	<u>275</u>
Yaupon Holly*	Ilex vomitora	S-M	Evergreen; sun-shade; female has red fruit	<u>275</u>

SHRUBS			
Large (Not Taller than Twenty-Five (25) Feet at Maturity)			
Common Name	Scientific Name	Height	Remarks
Bay	Laurel noblis	6'-12'	Evergreen, sun-part sun, fragrant leaves
Buckeye	Aesculus pavia	6'-12'	Deciduous (even in dry weather), shade, yellow or red flowers
Evergreen Sumac*	Rhus virens	4'-15'	Evergreen, sun-shade, red fruit
Flameleaf Sumac*	Rhus lanceolata	5'-15'	Sun-partial shade; deciduous; red berries in fall; fall color
Texas Mountain Laurel*	Sophora secundiflora	10'-25'	Tree-like evergreen shrub; purple spring flowers; sun, part shade
Texas Pistache	Pistacia texana	6'-12'	Semi-evergreen, sun

SHRUBS			
Medium (Five (5) to Ten (10) Feet at Maturity)			
Common Name	Scientific Name	Height	Remarks
Glossy Abelia	Abelia grandiflora	5'-9'	Bronze evergreen foliage; white or pink; sun, part shade
Agarita*	Mahonia trifoliata	5'-9'	Holly-like evergreen foliage; yellow spring; red edible berries; sun-shade
Cenizo, Texas Sage*	Leucophyllum sp.	5'-9'	Dusty gray evergreen foliage; sun; blooms throughout summer; purple - pink flowers; several new varieties: including compact
Elbow Bush	Forestiera pubescens	3'-6'	Deciduous; sun-shade, small white flowers, black fruit
Fragrant Sumac	Rhus aromatica	3'-6'	Deciduous; part shade, fall color
Hogplum	Colubrina texensis	4'-6'	Part shade, full sun; fragrant blooms
Juniper	Juniperus sp.	5'-10'	Tough evergreen; many varieties; sun, part shade
Mutablis Rose, Butterfly Rose, Old Blush	Rosa chinensis x (Mutablis)	3'-5'	Sun, large single petal flowers change color as ages
Pomegranate	Punica granatum	5'-10'	Sun, upright shrub; orange blooms; edible fruit; dwarf variety
Primrose Jasmine	Jasminum mesnyi	5'-8'	Evergreen, sun-shade, sprawling, yellow flowers
Southern Wax Myrtle	Myrica cerifera	3'-8'	Evergreen, sun-shade, compact variety, available
White Brush	Aloysia gratissima	4'-8'	Delicate; fragrant white flower; suckers, can be used as a hedge

SHRUBS			
Small (Not Taller than Five (5) Feet at Maturity)			
Common Name	Scientific Name	Height	Remarks
American Beautyberry	Callicarpa americana	3'-4'	Deciduous, fruit in fall and winter, purple; part shade
Agave, century plant	Agave americana	3'-5'	Sun, rosette, spine-tipped leaves
Barbados Cherry	Malpighia glabra	2'-4'	Evergreen, pink flowers, red fruit, sun- shade
Barberry	Berberis thunbergii atropurpurea	3'-5'	Evergreen; sun-part shade, color foliage
Grayleaf Cotoneaster	Cotoneaster glaucophylla	3'-5'	Sprawling evergreen shrub; dusty gray foliage; sun, part shade

Juniper	Juniperus sp.	2'-5'	Evergreen shrubs; many varieties available; sun
Mexican Butterfly Weed	Asclepias tuberosa	3'	Broad clusters of orange flowers
Mexican Oregano	Poliomenantha longiflora	2'-3'	Evergreen, sun, pink flowers
Rock rose	Pavonia lasiopetala	2'-4'	Deciduous; sub-shrub, pink or purple flowers
Rosemary, Upright	Rosmarinus officinalis	3'-5'	Evergreen, sun-part shade; blue flowers
Red Yucca	Hesperaloe parviflora	3'-4'	Sun, rosette, narrow leaves
Yucca	Hesperaloe parviflora	3'-4'	Sun, rosette, narrow leaves, white flowers

**VINES**

Common Name	Scientific Name	Height	Remarks
Autumn Clematis	Clematis sp.	n/a	Evergreen; fragrant white fall; sun, part shade
Carolina Jessamine	Gelsemium sempervirens	n/a	Evergreen; yellow spring; sun, part shade
Confederate Jasmine	Trachelospermum jasminoides	n/a	Evergreen; fragrant white spring; sun, part shade
Coral honeysuckle	Lonicera sempervirens	n/a	Almost Evergreen; red blooms; part shade to full sun
Coral vine, Queen's wreath	Antigonon leptopus	n/a	Pink flowers in late summer and fall; sun
Fig Ivy	Ficus pumila (repens)	n/a	Evergreen; clings to walls; sun, part shade
Lady Banksia	Rosa banksia	n/a	Evergreen, flowers in yellow or white; sun-part shade
Scarlet Clematis	Clematis texana	n/a	Shade to part shade, spring and summer blooms; red, rust, maroon, or rose-pink
Silverlace Vine	Polygonum ambertii	n/a	Fluffy masses of white; sun, part shade
Virginia Creeper	Parthenocissus quinquefolia	n/a	Deciduous

**GROUND COVER**

Common Name	Scientific Name	Height	Remarks
Asiatic Jasmine	Trachelospermum asiaticum	n/a	Evergreen; green or variegated foliage; sun, part shade, no flowers
Columbine	Aquilegia spp.	n/a	Evergreen, gray/green foliage, yellow flowers
Confederate Jasmine	Trachelospermum jasminoides	n/a	Evergreen; fragrant, white spring flowers; sun, part shade
Frogfruit	Phyla incisa	n/a	Semi-evergreen, creeper, sun-part sun, white flowers
Lantana purple, gold	Lantana sp.	n/a	Deciduous, sun, purple, white or yellow flowers
Pigeonberry	Rivina humilis	1'-2'	Semi-evergreen shrub
Rosemary, prostrate	Rosmarinus officinalis	1'-2'	Evergreen sub-shrub, sun to part sun, blue flowers
Katie' Ruellia	Ruellia spp.	1'-2'	Evergreen, sun-shade, rosette with purple or pink flowers
Santolina	Santolina sp.	1'-2'	Species with green or silver foliage; sun
Trailing Juniper	Juniperus sp.	n/a	Several varieties available; not suitable for wet, humid areas; sun
Verbena	Verbena spp.	n/a	Evergreen, pink, purple, white, red flowers
Yarrow	Achillea millefolium	n/a	Gray or green gray leaves; many varieties

GRASSES, TURF			
Common Name	Scientific Name	Height	Remarks
Bermuda grass	<i>Cynodon dactylon</i>	n/a	Excellent drought tolerance; poor shade tolerance; sun
Buffalograss*	<i>Buchloe dactyloides</i>	4"-6"	Excellent drought tolerance; poor shade tolerance; sun
Prarie mix	n/a	8"-12"	Mixture of Texas native Bunch, can add wildflowers
St. Augustine grass	<i>Stenotaphrum secundatum</i>	n/a	Produces dense turf; shade areas only; poor drought tolerance; sodded

PERENNIALS			
Common Name	Scientific Name	Height	Remarks
Butterfly Weed	<i>Asclepias</i> spp.	3'	Semi-hardy perennial, orange flowers
Cigar Plant	<i>Cuphea micropetala</i>	3'-4'	Red, yellow; summer to fall flowers; sun
Fall Aster	<i>Aster</i> spp.	2'-3'	Semi-evergreen, sun-part sun, blue or white
Firebush	<i>Hamelia patens</i>	3'-5'	Reddish orange; summer to fall flowers; sun
Hinckley's Columbine	<i>Aquilegia hinckleyana</i>	18"	Yellow; spring flowers; shade
Indigo Spires	<i>Sage Salvia</i> spp.	2'-3'	Semi-evergreen, sun, dark blue flowers
Lantana	<i>Lantana</i> sp.	1'-2'	Many colors; spring to fall flowers; sun
Mealy Cup Sage*	<i>Salvia farinacea</i>	3'	Sun, part shade; blue, white, purple flowers
Mexican Oregano	<i>Poliomentha longiflora</i>	1'-3'	Evergreen; pink; summer flowers; sun
Mexican Petunia	<i>Ruellia</i> sp.	1'-3'	Evergreen; tolerates shade; purple, pink, white flowers, suckers
Mexican Sage	<i>Salvia leucantha</i>	3'-4'	Semi-evergreen; blue; spring to fall flowers; sun
Mist flower,	<i>Boneset Eupatorium</i> spp.	2'-4'	Hardy perennial, white to blue flowers
Muhly Grass*	<i>Muehlenbergia lindheimeri</i>	3'	Evergreen; hardy perennial; sun
Pigeonberry	<i>Rivina humilis</i>	1'-2'	Semi-evergreen shrub
Purple Cone Flower	<i>Echinacea purpurea</i>	2'	Hardy perennial, rosette with pink or white flowers
Perennial verbena*	<i>Verbena</i> sp.	6"-1'	Many colors; spring to fall flowers; sun
Rock rose	<i>Pavonia lasiopetala</i>	2'-4'	Deciduous; sub-shrub, pink or purple flowers
Rosemary	<i>Rosmarinus officinalis</i>	1'-4'	Sun, part shade; blue flowers
Shrimp Plant	<i>Justicia</i> spp.	1'-2'	Hardy perennial, sun-part sun; orange, red flowers
Skullcap	<i>Scutellaria frutescens</i>	1'	Evergreen sub-shrub; pink or purple flowers
Texas Betony	<i>Stachys coccinea</i>	1'-2'	Evergreen, gray-green; red tubular flowers
Tropical Sage	<i>Salvia coccinea</i>	2'-3'	Evergreen, red, pink blooms; part shade to full sun
Turk's Cap	<i>Malvaviscus drummondii</i>	1'-4'	Shade; red flowers
White Rain Lily*	<i>Zephyranthes candida</i>	1'	Ephemeral; sun, part shade; white

PALMS			
Common Name	Scientific Name	Height	Remarks
California Fan Palm	<i>Washingtonia filifera</i>	15'-60'	Tree-like palm; sun. Hybrids with <i>W. robusta</i> can be taller
Dwarf Palmetto*	<i>Sabal minor</i>	3'-7'	Trunkless, bushy palm; sun, part shade

Texas Palmetto*	<i>Sabal texana</i>	10'-25'	Tall, native Texas palm; sun
Windmill Palm	<i>Trachycarpus fortunei</i>	10'-35'	Tree-like; sun; not considered a canopy; good foundation plant
Mexican Blue Palm	<i>Brahea armata</i>	12'-25'	Fan palm with blue-green leaves; sun
Butia or Jelly Palm	<i>Butia capitata</i>	10'-15'	Feather palm with blue-green leaves; sun
European Fan Palm	<i>Chamaerops humilis</i>	6'-12'	Tough, clumping fan palm with spiny petioles
Mazari Palm	<i>Nannorrhops ritchiana</i>	6'-25'	Slow growing fan palm with blue-green leaves
Canary Island Date Palm	<i>Phoenix canariensis</i>	40'	Beautiful feather palm; may be damaged in very cold winters
Needle Palm	<i>Rhapidophyllum hystrix</i>	5'-6'	Clumping shrublike palm foliage for sun to part shade
Silver Saw Palmetto	<i>Sorenoa repens</i>	3'-6'	Clumping low palm in both blue and green forms

#### ORNAMENTAL GRASSES

Common Name	Scientific Name	Height	Remarks
Big Bluestem	<i>Andropogon gerardi</i>	1'-2'	Sun, clump grass
Eastern Gamagrass	<i>Tripsacum dactyloides</i>	2'-3'	Dense, part shade, full sun
Inland Sea oats	<i>Chasmanthium latifolium</i>	2'-4'	Shade, dappled shade, part shade
Little Bluestem *	<i>Schizachyrium scoparium</i>	1'-2'	Evergreen, part shade, full sun
Muhly Grass*	<i>Muehlenbergia lindheimeri</i>	2'-5'	Evergreen, part shade, full sun
Purple Fountain Grass	<i>Pennisetum setaceum</i> 'Rubrum'	2'-3'	Delicate color accent; full sun
Sideoats Grama*	<i>Bouteloua curtipendula</i>	2'-3'	Dappled shade, part shade, full sun
Switchgrass	<i>Panicum virgatum</i>	3'	Part shade, full sun

#### RIPARIAN & AQUATIC

Common Name	Scientific Name	Height	Remarks
Button Bush*	<i>Cephalanthus occidentalis</i>	6'-10'	Large, deciduous shrub, sun, white ball shape flowers
Indiobush*	<i>Amorpha fruticosa</i>	6'-10'	Large, deciduous shrub, shade-sun, spikes of purple flowers
Roughleaf Dogwood*	<i>Cornus drummondii</i>	6'-15'	Large, deciduous shrub or tree, shade-sun, clusters of white flowers
Crab Apple*	<i>Crataegus texana</i>	8'-15'	Large, deciduous shrub or tree, shade-sun, large clusters of white flowers
Woolly Rosemallow*	<i>Hibiscus lasiocarpus</i>	3'-6'	Large shrub, white to rose flowers
Edwards Plateau Sedge	<i>Carex microdonta</i>	1"-7"	Rhizomatous perennial, calcareous soils
Bear Grass*	<i>Nolina</i> sp	2'-3'	Large clump, grass-like, shade-sun, good for bank stabilization
Purple Iris	<i>Iris brevicaulis</i>	1'-1.5'	Hardy perennial, purple flowers
Pickerelweed*	<i>Pontoderia cordata</i>	5'-1'	Aquatic edge, sun, spikes of purple flowers
Horsetail	<i>Equisetum laevigatum</i>	1'-1.5'	Rhizomatous, grass-like, shade-sun, water edge
Blue Water Lily*	<i>Nymphaea</i>	n/a	Floating, semi-sun-sun,
Pond Weed	<i>Potamogeton illinoiensis</i>	8"-16"	Rhizomatous, whorls of purple flowers

\* Texas Native Plant

Note: Red Tip Photinia is no longer recommended due to new disease

## **Appendix F – Floodplains – Areas of Special Flood**

### **Sec 35-F135 Variance Procedure**

(d) Variances, without regard to the procedures set forth in the remainder of this section, may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Sites and Places or the Texas State Historic Survey List or the City of San Antonio Landmark List.

**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**SECTION 4.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended by changing the font of “city arborist” from lower case to title case for the City Arborist throughout the Chapter.

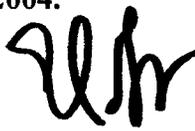
**SECTION 5.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

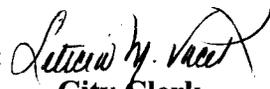
**SECTION 6.** Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

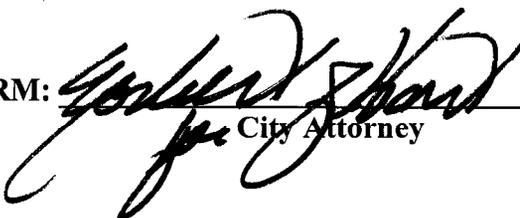
**SECTION 7.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 8.** This ordinance shall become effective December 19, 2004.

**PASSED AND APPROVED** this the 9<sup>th</sup> day of December, 2004.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

100126

Name: 55. *Main motion*

Date: 12/09/04

Time: 11:43:29 PM

Vote Type: Multiple selection

**Description:** Public Hearing and Consideration of an Ordinance amending the UDC with approximately 120 substantive and editing changes including amendments to revise the requirements for Planned Unit Developments; creating a new "R-3" Single Family Residential District ("Small Lot District"); allowing enclave subdivisions ("Gated Subdivisions"); and revising Parks/Open Space standards. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		X		
JOEL WILLIAMS	DISTRICT 2		X		
RON H. SEGOVIA	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		X		
PATTI RADLE	DISTRICT 5		X		
ENRIQUE M. BARRERA	DISTRICT 6		X		
JULIAN CASTRO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8		X		
CARROLL SCHUBERT	DISTRICT 9		X		
CHIP HAASS	DISTRICT_10		X		
MAYOR ED GARZA	MAYOR	Not present			

# Agenda Voting Results

**Name:** Item 55 Amendment 1 presented by Councilmember Hall to move with all changes except the in lieu fee

**Date:** 12/09/04

**Time:** 11:43:10 PM

**Vote Type:** Multiple selection

**Description:**

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR	Not present			