

AN ORDINANCE 101816

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE,
OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY
CORRECTING CLERICAL AND FORMATTING ITEMS;
MAKING MAJOR AMENDMENTS; 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 reenacted the Unified Development Code, 2005 Edition on September 22, 2005; and

WHEREAS, Section 35-111 requires that requests for amendments to the Unified Development Code be submitted annually to the Zoning Commission and the Planning Commission; 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. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding 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

The purpose of this section is to provide for annual updates to this chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

- (a) No later than May 1st ~~At least sixty (60) days prior to September 1st~~ of each year, any person may provide a request for amendment to this chapter to the 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 35-201(c), Table 35-201-1 is amended as follows:

35-201 Generally

(c) Applicability of Articles 3 and 5

Article 3 establishes regulations governing use, density, and structural dimensions within each zoning district of the city. Article 5 establishes standards for all forms of development within the city. For the convenience of the reader, Table 201-1 summarizes the applicability of the various regulations of Articles 3 and 5 to the use patterns.

Table 201-1: use patterns and Applicable Provisions of UDC

UDC Provision	Conventional Subdivision	Conservation Subdivision	Commercial center	Office/institutional campus	Commercial retrofit	Traditional Neighborhood Development	Transit-Oriented Development
	35-202	35-203	35-204	35-205	35-206	35-207	35-208
Use Regulations (§ 35-311) [incorporated areas only]	Y	Y	P	P	N	N	Y
Zoning District Design Regulations (§ 35-310) [incorporated areas only]	Y	P	N	N	N	N	N
Traffic Impact Analysis (§35-502)	Y	Y	Y	Y	N	N	P
Parks & Open Space Standards (§ 35-503)	Y	P	N	P	N	P	N
Stormwater Management (§ 35-504)	Y	Y	Y	Y	P	Y	Y
Transportation and Street Design (35-506) – generally	Y	Y	Y	Y	Y	Y	Y
➤ Cross-section and Construction Standards (§ 35-506(d))	Y	P	Y	Y	N	P	P
➤ Connectivity (§ 35-506(e))	Y	N	Y	Y	Y	Y	Y
Utilities (§ 35-507)	Y	P	Y	Y	Y	Y	Y
Impact Fees (§35-508)	Y	Y	Y	Y	Y	Y	Y
Buffers (§ 35-510)	Y	Y	Y	Y	N	P	N
Landscaping (§ 35-511)	Y	Y	Y	Y	N	Y	Y
Streetscape Planting Standards (§35-512)	Y	Y	Y	Y	NY	Y	P
Tree Preservation (§35-513, 35-523)	Y	N	Y	Y	YN	Y	Y
Fences and walls (§ 35-514)	Y	Y	Y	Y	Y	N	N
Lot Layout Regulations (§ 35-515)	Y	P	P	Y	P	P	P
Setback and Frontage Regulations (§35-516)	Y	P	P	Y	P	P	P
Building Height Regulations (§35-517)	Y	Y	Y	Y	Y	Y	Y
Edwards Aquifer Recharge Protection (§ 35-521)	Y	Y	Y	Y	Y	Y	Y
Floodplain Development Standards (§ 35-504)	Y	Y	Y	Y	Y	Y	Y
Outdoor storage standards (§ 35-525)	Y	Y	Y	Y	Y	Y	Y
Minimum parking standards (§ 35-526(b))	Y	N	Y	Y	N	N	P
Off-Street Truck Loading Requirements (§ 35-527)	Y	Y	Y	Y	Y	Y	Y

Chapter 35, Article II, Section 35-202(c) is amended as follows:

35-202 Conventional and Enclave Subdivision

(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.

Conventional and enclave subdivisions 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 variance to the requirements of Subsection (c) shall be processed in accordance with § 35-482 of this chapter.
- 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 for conventional or enclave subdivisions but there shall be a maximum size limit of 150 acres for enclave subdivisions. ~~There is a maximum subdivision size of 30 acres for an enclave subdivision.~~

Chapter 35, Article II, Sections 35-203(d)(3), 35-203(j)(1)J, and 35-203(j)(2)D are amended as follows:

35-203 Conservation Subdivision

* * * * *

(d) Uses & Density

- (1) Permitted uses shall be governed by the applicable zoning district regulations and the density provisions of Table 310-1.
- (2) The minimum lot size requirements of the zoning district design regulations (§35-310) shall not apply to a conservation subdivision.
- (3) In order to provide undivided open space in order to provide direct views and access, not less than twenty percent (20%) ~~forty percent (40%)~~ of the lots within a conservation subdivision shall abut a primary or secondary conservation area. Direct pedestrian access to the open space from all lots not adjoining the open space shall be provided through a continuous system of sidewalks and trails. The provisions of this subsection shall not apply to prime farmland or historic, archaeological or cultural features listed on city landmark registries, as they are ~~it~~ is vulnerable to trampling damage and disturbance.

* * * * *

(j) Parks & Open Space

The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the city or by a land trust or conservancy, shall be as specified herein. Open space shall be comprised of two types of land: "primary conservation areas" and "secondary conservation areas." All lands within both primary and secondary conservation areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

The parks and open space standards relating to maintenance, § 35-503(e), shall apply to a conservation subdivision. No other requirements of the parks and open space standards shall apply to a conservation subdivision.

(1) Primary Conservation Areas.

A minimum of thirty-five percent (35%) of the total tract area shall be designated as primary conservation areas. The following areas shall be designated as primary conservation areas:

- A. Wetlands;
- B. Woodlands;

- C. Sensitive aquifer recharge features;
- D. All of the floodway and flood fringe within the 100-year floodplain, as shown on official FEMA maps;
- E. All areas within one-hundred feet of the edge of the 100-year floodplain as delineated on the FEMA maps and any Letter of Map Revision;
- F. All areas within one-hundred feet of the banks of any stream shown as a blue line on the USGS 1:24,000 (7.5 minute) scale topographic maps for Bexar County;
- G. Steep Slopes (i.e., slopes exceeding 25%);
- H. Soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service; and
- I. Significant wildlife habitat areas.
- J. Historic, archaeological or cultural features listed (or eligible to be listed) on national, state, or city registers or inventories.

These sensitive lands shall be deducted from the total parcel acreage to produce the "adjusted tract acreage," on which density shall be based. If the tract does not include sufficient areas to reach the minimum set-aside requirement established herein, all of the areas not qualifying as primary conservation areas shall be designated as "adjusted tract acreage."

(2) Secondary Conservation Areas.

In addition to the primary conservation Areas, at least fifteen percent (15%) of the total tract area shall be designated and permanently protected as secondary conservation areas. Although the secondary conservation areas may comprise more than 15% of the remaining land on a development parcel (after primary conservation areas have been deducted), no applicant shall be required to designate more than fifty percent (50%) of the remaining land as within a primary or secondary conservation area. secondary conservation areas typically consist of upland forest, meadows, pastures, and farm fields, which are part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons. Full density credit shall be allowed for land in this category so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

Secondary conservation areas may include all or part of the following kinds of resources:

- A. areas with highly permeable ("excessively drained") soil;

- B. significant wildlife habitat areas not designated as a primary conservation area;
- C. prime farmland;
- D. historic, archaeological or cultural features listed (or eligible to be listed) on national, state or ~~city-county~~ registers or inventories not designated as a primary conservation area; or
- E. scenic views into the property from existing public roads.

(3) Alternative Uses of Open Space.

- A. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten (10) percent of the required minimum open space.
- B. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high-tension power lines shall not be included as comprising part of the minimum required open space.

(4) Connectivity.

Passive open space shall abut existing open space land on adjacent parcels, including passive open space located in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations.

* * * * *

Chapter 35, Article II, Section 35-205(f)(2) is amended as follows:

35-205 Office or Institutional Campus

* * * * *

(f) Lot Layout

A campus shall comply with the lot layout standards of this chapter and the following:

(1) Area.

The ground level square footage of all buildings and improvements other than streets and parking areas within a business park district shall not exceed fifty (50) percent of the total area of each lot.

(2) Setbacks.

No building, parking garage, covered parking or other structure, except streets, walks, and parking lots facilities, shall be erected within the following setbacks lines measured along the perimeter of a business park district:

- A. Forty-five (45) feet from any perimeter abutting a developed residential area; and
- B. Twenty-five (25) feet from any perimeter abutting an undeveloped or nonresidential area.

Setback lines shall be defined as the lineal horizontal distance measured at a right angle from the business park district boundary line and running parallel with the boundary line for its entire length.

(3) Height.

The height of buildings and other improvements shall not exceed thirty (30) feet within a distance of one hundred (100) feet from any perimeter abutting a developed residential area. The height of buildings and other improvements may be increased two (2) feet for each one (1) foot they are set back beyond the one hundred (100) foot distance.

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Chapter 35, Article II, Sections 35-206(a), 35-206(d), 35-206(f), and 35-206(l) are amended as follows:

35-206 Commercial Retrofit

* * * * *

(a) Applicability

Existing parking lots adjoining the frontage of any site located within the “C-2”, “C-3”, “D”, “MXD”, “C” or “IDZ” zoning districts may be replaced with buildings. Property that is vacant and without structures may not use the provisions of this section. A density bonus may be permitted to encourage such activities pursuant to § 35-360 of this chapter.

(b) Processing Procedures

A commercial retrofit shall require a building permit approval. 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.

(1) 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.

(2) Variances – Extraterritorial Jurisdiction.

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

(3) Building and Structures.

Building and structures in compliance with the standards of this section are permitted by right in a commercial retrofit use pattern. If a lot or lots are to be created the property shall require platting.

(c) Size and Location of Site

The provisions of this section apply to existing parking lots adjoining the frontage of any site located within the “C” or “IDZ” zoning districts

(d) Uses and Density

Development may consist of the following activities:

(1) The construction of additional buildings between a collector street right-of-way and the existing buildings (hereinafter “additional buildings”). The facades of the additional buildings which face the public right-of-way and the existing buildings on the lot, tract or parcel shall conform to the commercial urban design standards (§ 35-204 (o)), above.

(2) Apartments may be placed above new or existing office or retail uses. The floor area devoted to apartments shall not exceed the following:

Zoning District	Existing Number of Stories	Additional Stories of Apartment Use Permitted
NC, O-1	1	2
	2	1
	3 or more	0
C-1	1	2
	2	2
	3 or more	1
C-2	1	2
	2	3
	3 or more	3
C-3	1	3
	2	3
	3	3
	4	3
	5 or more	3
Other district	1	2
	2	2
	3 or more	2

(e) Traffic Impact Analysis

The traffic impact analysis standards shall not apply to a commercial retrofit.

(f) Lot Layout

The additional buildings shall have a facade oriented to the existing principal buildings and a façade facing the frontage line. The facades of the additional buildings which face the public right-of-way and the existing buildings facing the principal buildings shall conform to the commercial urban design standards (§ 35-204 (o)), above.

(g) Transportation

A commercial retrofit shall comply with the transportation standards of this chapter.

(h) Stormwater Management

A commercial retrofit shall comply with the stormwater management standards, § 35-504 of this chapter, unless no new impervious surface will be added.

(i) Utilities

See utilities standards, § 35-507 of this chapter.

(j) Parks & Open Space

A commercial retrofit shall not be subject to the parks and open space standards of this chapter provided, however, that a commercial retrofit may provide plazas, courtyards, and/or forecourts as defined in § 35-503, Table 503-1.

(k) Natural Resource Protection

A commercial retrofit shall not be subject to the natural resource protection standards of this chapter.

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

A commercial retrofit shall not be subject to the landscape, screening and buffering standards of this chapter. A commercial retrofit within the city and the extraterritorial jurisdiction shall comply with the streetscape planting standards ~~tree preservation standards~~ of this chapter.

(m) Parking

(1) Additional parking may be placed to the rear of the principal buildings so long as the number of spaces for the entire site do not exceed the maximum parking requirements of this ordinance.

(2) Parking areas may be connected to rear parking lots on adjoining properties (see Example 2) in order to allow customers to drive to other locations without re-

entering the major roadway network and adding to traffic volumes. (See §35-506(r) (8)).

- (3) Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property by the installation of a bufferyard as set forth in the buffer standards of this ordinance.
- (4) Not more than four (4) rows of parking may be placed between the existing buildings and any buildings constructed between the existing buildings and the street right-of-way pursuant to this subsection.

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)	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 ¹	6,000		7	30	50	150	10	—	5	20	35 / 2-½	—	—
R-5 ¹	5,000		9	30	45	150	10	—	5	20	35 / 2-½	—	—
R-4 ¹	4,000		11	20	35	150	10	—	5	20	35 / 2-½	—	—
“R-3” ²¹	3,000 ⁷		—	20 15	20	—	10	35	0-5	10	35 / 3	70% of lot area	—
RM-6 ¹	6,000		7	15	15	150	10	—	0-5	20	35 / 2-½	—	—
RM-5 ¹	5,000		9	15	15	100	10	—	0-5	10	35 / 2-½	—	—
RM-4 ¹	4,000		11	15	15	80	10	—	0-5	10	35 / 2-½	—	—
“MF-25” ^{22 1,4}	—		25	50	50	—	—	20 ^{3,4,6}	5	10	35	—	—
“MF-33” ^{22 1,4}	—		33	50	50	—	—	20 ^{3,4,6}	5	10	45	—	—
“MF-40” ^{22 1,4}	—		40	50	50	—	—	20 ^{3,4,6}	5	10	60	—	—
“MF-50” ^{22 1,4}	—		50	50	50	—	—	20 ^{3,4,6}	5	10	—	—	—
O-1	—		—	50	50	—	—	35	20 ²	30 ³	25	10,000	90,000
O-2	—		—	50	—	—	25	80	20 ²	30 ³	—	—	—

NJH: 12-15-05 Amended
Item No. 4

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

* 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) or otherwise notated the dimensions specified in columns (B) through (P) are expressed in linear feet. The dimensions specified in columns (B), (M) and (N) 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.

column (D): 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.

column (E): 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).

column (F): 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.

column (G): Maximum lot widths apply only to detached single-family residential development.

column (H) & (I) 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).

column (J): The side setback requirements in the RM-6, RM-5, and RM-4 and R-3 districts may be reduced in accordance with Section 35-373 of this Article. ~~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).

column (K): 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.

column (L): *Height*

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 deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. 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.

columns (N & O): 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.

column (O): 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.

Note (1) - column (A): See §§ 35-372, 35-373, 35-515, & 35-516 of this Code for standards applicable to uses other than detached single-family dwellings.

Note (2) - columns (J) & (K) ~~(L) & (M)~~: 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 or the two districts are separated by a public right-of-way.

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 apply to 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.

Note (7) – May vary in accordance with 35-410.05a(b)(3).

Note (8) – ~~As a note it should be recognized that while the "R-3" district provides for no required setback that life/safety provisions of the building code will require either a firewall or provision for a mandatory 10 foot separation between buildings.~~

Chapter 35, Article III, Section 35-310.05a is amended as follows:

“R-3” Single-Family Residential District

(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. “R3” zoning districts are inappropriate for “enclave subdivisions” and are not permitted.

“R-3” subdivision shall be limited to a maximum size of 30 acres including lots, street R.O.W., easements and open space.

Chapter 35, Article III, Section 35-310.15, Subsections 35-310.15(a)(2), 35-310.15(b)(3), 35-310.15(d)(2), 35-310.15(g), Table 310.15-1, 35-310.15(i)(2), and 35-310.15(i)(3) are amended as follows:

35-310.15 “UD” Urban Development District

(a) “UD” Generally

(1) Purpose

The Urban Development “UD” district is established to encourage the development of a land use pattern that encourages compact neighborhoods and centralized commercial areas that promote a sense of community and are pedestrian and transit friendly. The intent is to minimize traffic congestion and environmental degradation while improving the quality of life and promoting the health, safety and welfare of neighborhood communities.

(2) Applicability

Flex District development applications (MDP, Plat and Building Plans) shall be accompanied by a site plan that shows the following information:

A. Use: location, acreage, notation of restrictions based on use-type.

B. Circulation: Street type and location must be indicated. ROW and pavement cross-sections must be provided that indicate travel lane width, bike lane, and on-street parking within pavement width, and vegetation and sidewalk widths within remaining ROW. Parking location and pedestrian walkways to commercial buildings must be indicated.

C. Block lengths must be indicated on plan.

D. Vegetative buffers and building setbacks shall be indicated or notated on plan.

(b) "UD" Uses & Conditions

* * * * *

(3) Commercial Uses.

A. Individual commercial structures with uses permitted in Table 311-2a, non-residential use matrix, with a building footprint of 90,000 square feet or greater shall be 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. Commercial buildings shall front public streets.

*Reference: Sec. 35-506 Transportation and Street Design:
Table 506-1, Conventional, and Table 506-2, Traditional, street classifications.*

B. Individual commercial structures with uses permitted in Table 311-2a, non-residential use matrix, with a building footprint of less than 90,000 square feet shall be located fronting on and within 850 feet of the intersection of the centerlines 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. Commercial buildings shall front public streets.

C. Commercial structures with uses permitted in Table 311-2a with an aggregate building footprint of 6,000 square feet or less are allowed on any property located fronting on and within 200 feet of the intersection of the centerlines of any two collector streets or avenues as defined in Table 506-1 and Table 506-2. 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.

* * * * *

(d) "UD" Parks & Open Space

(1) Dedication.

Park dedication will be at the ratio of (1) one acre per seventy (70) dwelling units. Entities to which the park may be dedicated shall follow the provisions in section 35-503 and shall be subject to review and approval by the director of parks and

~~recreation~~ ~~ecreation~~. A fee in lieu of land dedication may be allowed only for developments of less than 70 dwelling units.

- (2) Parks and playgrounds shall be located within ¼ mile of every residence in "UD" districts.

* * * * *

(g) **"UD" Buffers**

- (1) Buffer requirements for "UD" districts shall be in addition to the requirements set forth in section 35-510 pertaining to buffers.

Reference: Section 35-510 Landscaping and Section 35-523 Tree Preservation

- (2) Any property adjoining a collector, primary or arterial street, or freeway must comply with the minimum vegetative buffer yard requirements set forth below in Table 310.15-3. No fence or wall can be substituted for the vegetative buffer yard requirement. A Type N buffer may be substituted for the buffer yard requirement to encourage the preservation of natural vegetation.

**Table 310.15-3
Street Classification and Vegetative Buffers**

Adjoining Street Classification*	Minimum Vegetative Buffer Yard Requirement	Vegetative Buffer Yard Type
Collectors or Avenues ** (UD, RD, and FR districts Exempt)	15 feet from any property line adjoining a collector street	C or Option C or N Fence, wall, or berm not permitted
Primary and Secondary Arterials <u>Enhanced Secondary Arterials</u> or Main Streets or Boulevards (UD district Exempt)	25 feet from any property line adjoining a primary or secondary arterial street	D or Option D or N Fence, wall or berm not required
Freeways or Parkways <u>or Super Arterials</u>	30 feet from any property line adjoining a freeway	E or Option E or N Fence, wall, or berm not required

* As described in Table 506-1, Table 506-2, and the Major Thoroughfare Plan
** Only applicable to MI-1 district.

*Reference: Section 35-506 Transportation and Street Design:
Table 506-1, Conventional and Table 506-2, Traditional street classifications.*

- (3) Buffer requirements for adjoining uses or zoning districts are set forth below in Table 310.15-4.

* * * * *

(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.

- (1) An “FDP” shall follow one of the following two use patterns.
 - A. The TND pattern requires compliance with the provisions of section 35-207 and the additional flex standards in the table below.
 - B. The “MXD”D pattern requires a mix of retail, office, service, and residential uses within a maximum radius of one quarter (1/4) mile in 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.
- (2) An “FDP” shall be approved through the Master Development Plan (MDP) process. An “FDP” submittal shall provide the same information as required for a Planned Unit Development in Appendix “B”.
- (3) Flex development plan shall include at least one Civic Space in the form of a Plaza, Courtyard, Forecourt, or Square within the commercial area of the development. The Civic Space will count toward required park dedication.

Chapter 35, Article III, Section 35-310.16(a)(2) is amended as follows:

35-310.16 “RD” Rural Development District

(a) “RD” Generally

(1) Purpose

The Rural Development district "RD" is established to encourage the development of a land use pattern that reflects rural living characteristics by encouraging low density, single family residential land use patterns with limited commercial uses placed in a manner that conserves open land. The "RD" district serves as a buffer between more urbanized, denser development, and significantly rural, open, or agriculturally oriented land use patterns.

The "RD" district implements the following Master Plan policies:

- *Growth Management Policy 1b: Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.*

Urban Design Policy 1a: based on a comprehensive land use plan, encourage more intense development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.

- *Urban Design Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and efficient provision of infrastructure.*

(2) Applicability (see 35-310.15(a)(2))

* * * *

Chapter 35, Article III, Section 35-310.17(a)(2) is amended as follows:

35-310.17 "FR" Farm & Ranch District

(a) "FR" Generally

(1) Purpose

The Farm and Ranch district "FR" is intended to preserve rural character and culture by implementing larger minimum lot sizes and by prohibiting incompatible land uses.

The "FR" district provides areas for agricultural operations and natural resource industries. These districts are composed primarily of large tracts of land that are vacant or in agricultural uses and may contain a minimal number of dwellings and accessory structures.

"FR" zoning protects and preserves valuable agricultural areas, implements agricultural and natural resource protection, preserves rural areas, and identifies areas appropriate for agricultural preservation. The "FR" district may be used to establish and buffer low intensity uses along streams, floodplains, and similar environmentally sensitive areas.

The "FR" district implements the following policies of the Master Plan:

- *Growth Management, Policy 1b: Distribute land uses to meet the physical, social, cultural, economic and energy needs of present and future populations.*

- *Natural Resources, Policy 2b: Assist in the development of a comprehensive, regional natural resources plan.*
- *Natural Resources, Policy 2d: Preserve the integrity of the natural settings of neighborhoods, communities, open spaces and parks, and develop clear procedures for their enforcement.*
- *Urban Design, Policy 1a: based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.*

(2) Applicability (see 35-310.15(a)(2))

* * * * *

Chapter 35, Article III, Section 35-310.18(a) (2) is amended as follows:

35-310.18 "MI-1" Mixed Light Industrial

(a) "MI-1" Generally

(1) Purpose

The Mixed Light Industrial district "MI-1" is established to encourage the development of mixed agricultural, commercial and light industrial uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building, and circulation systems.

These districts are located for convenient access from existing and future arterial thoroughfares and railway lines. Furthermore, these districts shall protect and enhance the rural character of the area, attract sources of economic development and growth, promote clean industry, and minimize the adverse effects to adjacent uses. The "MI-1" district implements the following goals and policies of the Master Plan:

- *Economic Development, Policy 1e: Support and encourage efforts to diversify the economic base of San Antonio.*
- *Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.*
- *Natural Resources, Goal 3: Achieve a sustainable balance between the conservation, use and development of San Antonio's natural resources.*
- *Natural Resources, Policy 1d: Encourage retention of the 100-year floodplains as natural drainage ways without permanent construction, unnecessary straightening, bank clearing, or channeling.*

- *Urban Design, Policy 1b: Develop urban design policies and standards which integrate and coordinate planning for historic and cultural resources, public facilities and services, and private development, infrastructure, transportation, arts and cultural resources, libraries, parks and recreation, health and human service facilities.*

(2) Applicability (see 35-310.15(a) (2))

* * * * *

Chapter 35, Article III, Section 35-310.19(a) (2) is amended as follows:

35-310.19 "MI-2" Mixed Heavy Industrial

(a) "MI-2" Generally

(1) Purpose

The Mixed Heavy Industrial district "MI-2" is established to encourage the development of commercial, light and heavy industrial uses that are internally compatible in an effort to achieve a well designed development and provide a more efficient arrangement of land uses, building, and circulation systems. These districts are located for convenient access from existing and future arterial thoroughfares and railway lines. Furthermore, these districts shall protect and enhance the rural character of the area, attract sources of economic development and growth, promote clean industry, and minimize the adverse affects to adjacent uses.

(2) The "MI-2" district implements the following goals and policies of the Master Plan:

- *Economic Development, Policy 1e: Support and encourage efforts to diversify the economic base of San Antonio.*
- *Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.*
- *Natural Resources, Goal 3: Achieve a sustainable balance between the conservation, use and development of San Antonio's natural resources.*
- *Natural Resources, Policy 1d: Encourage retention of the 100-year floodplains as natural drainage ways without permanent construction, unnecessary straightening, bank clearing, or channeling.*
- *Urban Design, Policy 1b: Develop urban design policies and standards which integrate and coordinate planning for historic and cultural resources, public facilities and services, and private development, infrastructure, transportation, arts and cultural resources, libraries, parks and recreation, health and human service facilities.*

(3) Applicability (see 35-310.15(a) (2))

* * * * *

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

35-311 Use Regulations

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	
Automobile Noncommercial Parking (Board of Adjustment)													P	P	P	P	P	S	2110	
Automobile Commercial Parking	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA			
Dwelling - 2 Family								P		P	P	P	P	P	P	P	P		1000	1121

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

	Urban	Rural	Farm & Ranch	Mixed Industrial
PERMITTED USE				
Automobile Noncommercial Parking (Board of Adjustment)	See Non-Residential Matrix			
Automobile Commercial Parking	S			

Chapter 35, Article III, Section 35-311, Table 311-2 is amended as follows:

35-311 Use Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1	O-2	NC ²	NC-1 ²	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Alcohol	Alcohol - Wine Boutique											
Alcohol	Alcohol - Winery With Bottling											
Auto	Carwash - Self Service											
Auto	Parking And/Or Storage - Long Term											
Auto	Parking Lot Or Garage - Commercial											
Auto	Parking Garage- Commercial or Noncommercial											
Dwelling	Attached single family units (townhome & rowhouses)											

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
PERMITTED USE	O-1	O-2	NCD	NCD-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)	
	Office	P	P		P	P	P	P	P	P			P
Office	P	P	P	P	P	P	P	P	P		P		
Recreation		S	P	P	P	P	P	P	P		P		
Recreation					S	P	P	P	P		P		
School			P			P	P	P			P	6142	
School							P	P			S	6140	
School									P	P	P	S	6140
Service				P	P	P	P	P	P				
Service		P	P	P	P	P	P	P	P		P	2150	
Service								P	P	P	S		
Service					S	P	P	P			P		
Service			P			P	P	P			P	6142	
Service							P	P			S	6140	
Service								P	P	P	S	6140	
Storage									P	P	S		

Chapter 35, Article III, Sections 35-335(c) and 35-335(f) are amended as follows:

35-335 “NCD” Neighborhood Conservation District

(c) Zoning Authority

Separate ordinances are required to designate each “NCD” 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. 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
- D. Whispering Oaks “NCD-4” February February 24, 2005

* * * * *

(f) Neighborhood Ordinance Administration

~~(1) The director of development services shall forward a copy of a building permit application to the director of planning for review and comment.~~

(1)(2) No building permit shall be issued by the department of development services for new construction or an alteration or addition to the street facade of an existing building or structure within a designated neighborhood conservation district without the submission and approval of design plans and the issuance of a certificate of compliance by the director of planning.

(2) The director of development services shall forward a copy of a building permit application to the director of planning for review and comment.

Chapter 35, Article III, Section 35-344(c)(2) is amended as follows:

35-344 "PUD" Planned Unit Development District

* * * * *

(c) Permitted Uses and Density

* * * * *

(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
RM-6	5
R-5	6
RM-5	6
R-4	7
RM-4	7
<u>R-3</u>	<u>10</u>
"MF-25"	25
"MF-33"	33
"MF-40"	40
"MF-50"	50

Chapter 35, Article III, Section 35-373 is amended as follows:

35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, -Lot Line, Cottages, and Housing for Older Persons)

(a) Applicability

The provisions of this section apply to any single-family attached dwelling, duplex, rowhouse, townhouse, zero-lot line house, cottage, or housing facility for older persons.

(b) Townhouse or Rowhouse Development ~~General Criteria~~

- (1) No front yard or side yard is required.
- (2) A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development.
- (3) On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve foot rear yard setback shall be required. At least six hundred (600) square feet of contiguous open area shall be provided behind the front setback. The "contiguous open area" may consist of lawns and/or landscaped areas, but shall not include parking, driveways, or other impervious surfaces other than walkways from the front entrance to the street or parking areas.
- (4) The minimum lot depth shall be eighty (80) feet.
- (5) Attached dwelling units shall not be subject to the minimum lot size.
- (6) Except in the "TOD" district, no townhouse development shall exceed a density of more than twenty (20) units per gross acre.
- (7) The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

~~(c) Townhouse or Rowhouse Development~~

- ~~(1) Except in the "TOD" district, no townhouse development shall exceed a density of more than twenty (20) units per gross acre.~~
- ~~(2) The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).~~

(c) Zero Lot Line Development

Purpose

The purpose of the zero lot line regulations is to provide for single-family attached or detached residential structures with one zero side setback area. The intent is to allow a single family

structure to be placed on a side lot line in order to provide a more usable side yard on the other side.

- (1) Zero Lot Line Development shall comply with 310-1 of this Article with the exception of the minimum side setbacks in Column (J).
- (2) A zero lot line may only be located on an interior side property line.
- (3) The zero lot line for each lot shall be denoted on the subdivision plat.
- (4) For zero lot line subdivisions, a minimum five (5) foot wide maintenance easement shall be provided through deed restrictions on the lot adjacent to the zero lot line. This easement shall be kept free of permanent obstructions such as tool sheds or fences without a gate. When filing an application for a building permit for a zero lot line development, the subdivider shall provide the city with two (2) copies of deed restrictions establishing the maintenance easements. One (1) copy of these deed restrictions shall be recorded by the applicant prior to issuance of the building permit. Along with the required building permit filing fees, an additional fee shall be provided by the subdivider to cover the recording costs of these deed restrictions.

The following notation shall appear on the plat:

“foot wide maintenance easements are established within the lots adjacent to all nonattached zero lot lines. Such easements shall extend for the depth of the lot and are included in the deed restrictions for all affected properties.”

- (5) Dwelling units shall be constructed on the zero lot line on one side of the lot and a side setback shall be provided on the other side of the said lot subject to the following conditions:
 - A. The minimum width of the side setback opposite the zero lot line shall be ten, (10) feet.
 - B. A zero setback shall not be permitted when the zero lot line abuts a non-zero lot line development, in which case, a minimum side setback of 5 feet shall be required.
 - C. There shall be no openings in any exterior wall located upon or oriented towards the zero side yard of the subject property. Exception: an alcove or atrium with doors or windows may be recessed into the dwelling structure if such recessed area is separated from the zero side yard by means of a solid wall not less than eight feet in height. Said wall shall be constructed of the same material as exterior walls of the unit.

* * * * *

Chapter 35, Article III, is amended by adding a new Division 8 consisting of Sections 35-399.01, 35-399.02, and 35-399.03 as follows:

DIVISION 8 Authorized Special Exceptions

A Special Exception may be granted for the following uses subject to the conditions specified. The granting of any special exception may be revoked if the conditions specified for each special exception are not maintained at all times.

Chapter 35, Article III, Section 35-375 is renumbered as a new Section 35-399.01 and amended as follows:

35-375 35-399.01 One Operator Beauty Shops and Barber Shops

- (i) Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed four (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Chapter 35, Article III, Section 35-387 is renumbered as a new Section 35-399.02 and amended as follows:

35-399.02 35-387 Parking Lots (Noncommercial)

Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:

(a) Special Exception Required ~~Specific Use Permit Required~~

Notwithstanding any provision of this chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a dwelling unit shall not be undertaken unless and until a special exception ~~specific use permit~~ is approved by the board of adjustment. All other parking lots shall be permitted as designated in the Use ~~use~~ Matrix.

(b) General Requirements

The following provisions are required regardless of whether a special exception ~~specific use permit~~ is required pursuant to subsection (a) or the use matrix (Tables 311-1 and 311-2):

- (1) The parking lot shall be used only for the noncommercial parking of private motor vehicles of customers and employees. All other uses, including but not limited to the following, are prohibited: (1) the sale, display, storage, repair, servicing, or dismantling of any vehicles, equipment, or merchandise; (2) the parking of vehicles awaiting repair or service; and (3) the parking of trucks over three-fourths (3/4) ton capacity.

- (2) Within the single-family residential districts, noncommercial parking lots may be authorized by the board of adjustment for only those uses permitted by right or which have received special approval of the city council within these districts.
- (3) The property on which the proposed parking lot is to be located shall be platted in accordance with Article 4, Division 4 of this chapter.
- (4) The parking lot shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition. The parking lot shall be kept free of weeds, litter, and debris.
- (5) Individual parking spaces shall meet the minimum size requirements of the parking standards of this chapter.
- (6) No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
- (7) With the exception of required buffers, landscaping and primary egress and ingress entry drives, no parking spaces or drives of the ~~The~~ parking lot shall ~~not~~ encroach within the front ~~yard~~ setback, and ~~The~~ parking lot shall maintain a minimum setback ~~Setback~~ of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the setback ~~Setback~~ as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required setback areas.
- (8) Parking lot driveways shall be located so as to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.
- (9) Unless specifically authorized by the board of adjustment, the parking lot shall not be used between seven o'clock p.m. and seven o'clock a.m. If authorized to be used at night, the lot shall be properly and adequately lighted. The standards to which the lights are affixed shall not exceed fifteen (15) feet in height and the lighting shall be confined within the boundary lines of the parking lot. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.
- (10) Landscaping. All required front, side, and rear setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward satisfying the landscape requirement. In addition to the setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be

distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping. Should the landscaping provisions of this paragraph conflict with any other landscape provisions of the UDC, the more restrictive of the regulations shall apply.

- (11) In addition to required landscaping and buffers, the ~~The~~ parking lot shall be provided with a masonry wall ("masonry" for the purpose of this section is defined as brick, rock, stucco, concrete block, poured concrete wall, precast concrete wall, precast masonry units or combination of the foregoing) or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected in back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.
- (12) Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the development services department. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all construction materials and landscaping.
- (13) Granting of a special exception ~~specific use permit~~ for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a special exception, ~~specific use permit~~ the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.
- (14) Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the development services department to verify compliance with the conditions of the special exception. ~~specific use permit~~ If a certificate of occupancy is not secured within six (6) months of the date of approval, the special exception ~~specific use permit~~ shall be null and void and have no force or effect.
- (15) Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Division 10, of this article and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.
- ~~(16) Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The director of~~

~~development services shall notify the owner/lessee of these previously authorized lots and advise them that their specific use permit must be renewed as required by subsection (a)(13) above.~~

Chapter 35, Article III, Section 35-389 is renumbered as a new Section 35-399.03 and amended as follows:

35-399.03 ~~35-389~~ Relocation of Buildings and Structures

Notwithstanding any provision of this chapter to the contrary, the relocation of any residential building or structure shall not be undertaken unless and until a special exception is approved by the board of adjustment.

- (a) To be granted a request for a special exception ~~use permit~~ to move or relocate a building or structure the request must meet the conditions ~~special exceptions~~ set forth ~~contained in~~ section 35-482 (h) of this chapter.
- (b) The relocation of any building and/or structures, is subject to the following conditions:
 - (1) Each house must be comparable in size and quality of construction and in condition to the average of the other homes in the area.
 - (2) The applicant shall comply with Article VI (historic preservation and urban design) of this chapter and with all other applicable codes and ordinances.
 - (3) The use shall ~~will~~ comply to such other conditions, as the board may deem proper in harmony with section 801(g) of this chapter.
 - (4) Permits may be granted under this subsection for buildings, which the city's historic and design review commission has found to have historic and /or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exception shall contain appropriate conditions as to repairs to be made. Provision of other codes of the city or of other chapters of this code shall not be waived.

(c) Certificates of Occupancy

In cases in which structure relocations are permissible, certificates of occupancy shall not be issued by the director of development services until all applicable provisions of (a) above and Chapter 6, Article VII of the City Code and all other applicable requirements for issuance of certificate of occupancy required by deferral, and state law and city charter and ordinances are complied with.

Chapter 35, Article III, Sections 35-376 through 35-398 are renumbered as follows:

35-374	Bed and Breakfast
35-375	Beauty Shops and Barber Shops
35-375 35-376	Day-Care Facilities
35-376 35-377	Family Homes
35-377 35-379	Head shops

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~~35-391 35-396~~
~~35-392 35-397~~
~~35-393 to 35-398 35-398 to 35-399~~

Home Occupations
Manufactured Home And Recreational Vehicle
Parks
Miniwarehouses
Mixed Use Buildings and Live-Work Units
Oversized Vehicles
Parking Lots as a Primary Use
~~Parking Lots (Noncommercial)~~
Radio, Television Antenna, and Wireless
Communication Systems
~~Relocation of Buildings and Structures~~
Sanitary Landfills, Solid Waste Facilities
Schools, Public
Sexually Oriented Business Regulations
Subdivision Sales Offices
Transitional Homes
Temporary Uses
Illumination of Uses
Temporary Common Worker Employer
Reserved

Chapter 35, Article IV, Section 35-422(b) is amended as follows:

35-422 Conditional Zoning

* * * * *

(b) Initiation

A proceeding for approval of a conditional zoning district shall be initiated by filing an application with the director of development services. The application shall be signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of a property included within the boundaries of a proposed conditional rezoning. The application for a conditional use district shall be the same as that for a change in the base zoning district. If the requested use(s) is listed as a specific use within the conditional zoning district, the approval of a conditional zoning district shall constitute approval of the specific use or Uses.

A conditional zoning district may be granted as an amendment to an ongoing rezoning case before the zoning commission or city council. ~~Before granting the amendment, the city may issue a courtesy notice to affected parties of the proposed conditional zoning district and will not require the applicant to submit a new application or pay additional fees other than for the difference (if any) between a conventional case and a conditional zoning case. Such amendment shall then be considered at the next regularly scheduled zoning commission meeting or, in the case of the city council, at the next regularly scheduled meeting at which zoning cases will be considered. All costs associated with issuance of the courtesy notice shall be borne by the city.~~

* * * * *

Chapter 35, Article IV, Section 35-430(c) (13) is amended as follows:

35-430 Applicability & General Rules

* * * * *

(c) Plat Exceptions

* * * * *

(13) Sewer & water service to existing buildings

If existing buildings on an unplatted tract are occupied, sewer and water services may be provided if "all" of the following conditions are met:

A. The applicant provides evidence that non single family development and/or non single family improvements had received electrical service for a minimum continuous period of five years prior to the date of application for sewer and/or water services.

B. The site is not subject to thoroughfare dedication.

C. If applicable, existing building/s shall comply with the flood plain ordinance.

D. Service is restricted to existing uses and,

E. Impact fees are paid at time of application for service.

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

35-432 Procedures for Subdivision Plat Approval

(i) Recording Procedures

(1) Fees.

At the time an application for a plat located within the city limits is submitted to the director of development services, the applicant shall deposit fees covering the cost of recording the plat. Such fees shall be in the form of a check made payable to the city of San Antonio.

(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 applicable ~~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- and/or;
- E. outstanding liens imposed by the city on sites cleared of debris, removal of health hazards, over growth and or the razing of un-safe building(s) is resolved and approved by the director of finance.

Chapter 35, Article IV, Section 35-443(j) is deleted as follows:

35-443 Replats Subject to Low-Density Zoning

* * * * *

~~(j)~~ **Public Hearings**

~~The planning commission on plat applications where notification is required shall be scheduled for two planning commission meetings: the first meeting shall be to solicit public comment, and the second meeting shall be for consideration.~~

* * * * *

Chapter 35, Article IV, Section 35-481 is amended as follows:

35-481 Appeals to Board of Adjustment

(a) **Applicability**

(1) **Generally.**

Except as provided by Subsection (2), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

- a person aggrieved by the decision; or
- any officer, department, board, or bureau of the city affected by the decision.

(2) **Exception.**

A member of the governing body of the municipality who serves on the board of adjustment under VTCA Local Government Code § 211.008(g) may not bring an appeal under this section.

(b) **Initiation**

(2) **Special Exceptions**

Special exceptions may be granted for the following uses subject to the conditions specified. The granting of the special exceptions may be revoked if the conditions specified for each special exception are not maintained at all times.

- A. Noncommercial parking lots. Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:
1. The parking lot shall be used only for the noncommercial parking of private motor vehicles of customers and employees. All other uses, including but not limited to the following, are prohibited: The sale, display, storage, repair, servicing, or dismantling of any vehicles, equipment, or merchandise.
 2. The parking of vehicles awaiting repair or service.
 3. The parking of trucks over three-fourths (3/4) ton capacity).
- ~~B. Within the A, R-A, R-1, R-5, R-7, and R-8 districts, noncommercial parking lots may be authorized by the board of adjustment for only those uses permitted by right or which have received special approval of the city council within these districts.~~
- ~~B.-C.~~ The property on which the proposed parking lot is to be located shall be platted in accordance with Article IV of this chapter
- ~~C.-D.~~ The parking lot shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition. The parking lot shall be kept free of weeds, litter, and debris.
- ~~D.-E.~~ Individual parking spaces shall meet the minimum size requirements of Division 6, 35-526 of this article.
- ~~E.-F.~~ No advertising signs shall be permitted on the lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
- ~~F.-G.~~ The parking lot shall not encroach within the front yard setback and shall maintain a minimum setback of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the setbacks as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required setback areas.
- ~~G.-H.~~ Parking lot driveways shall be located to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.

~~H.I.~~ Unless specifically authorized by the board of adjustment, the parking lot shall not be used between seven o'clock p.m. and seven o'clock a.m. If authorized to be used at night, the lot shall be properly and adequately lighted. The standards to which the lights are affixed shall not exceed fifteen (15) feet in height and the lighting shall be confined within the boundary lines of the parking lot. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.

~~I.J.~~ Landscaping.

- i. All required front, side, and rear setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward satisfying the landscape requirement.
- ii. In addition to the setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles.
- iii. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping.

~~J.K.~~ The lot shall be provided with a masonry wall or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.

~~K.L.~~ Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the department of development services. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all landscaping.

- L.M. Granting of a special exception for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a special exception, the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.
- M.N. Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the department of development services to verify compliance with the conditions of the special exception. If a certificate of occupancy is not secured within six (6) months of the date of approval, the special exception shall be null and void and have no force or effect.
- N.O. Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Article VI Historic Preservation and Urban Design of this code and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.
- O.P. Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The director of the department of development services shall notify the owner/lessee of these previously authorized lots and advise them that their special exception must be renewed as required by subsection (2)M. above.

Chapter 35, Article IV, Section 35-482 is amended as follows:

35-482 Zoning Variances

* * * * *

(h) Special Exceptions ~~Finding of Fact~~

The zoning board of adjustment must find that a request for a special exception ~~use permit~~ meets each of the five following conditions ~~exceptions~~.

- A. The special exception will be in harmony with the spirit and purpose of the chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. The special exception will not alter the essential character of the district and location in which the property for which the special exception ~~special use permit~~ is sought.

- E. The special exception will not weaken the general purpose of the ~~if this~~ district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is use permit is authorized.

Chapter 35, Article V, Sections 35-506(d) and 35-506(q) are amended as follows:

35-506 Transportation and Street Design

* * * * *

(d) Cross-Section and Construction Standards

* * * * *

(4) Bicycle Facilities.

~~When identified on the city council approved Bike Facilities Master Plan the following will apply. Required collector/main streets will include bike lanes or bike paths. Bicycle facilities along arterial / avenue / boulevard / parkway streets shall be located separate from the pavement section. The bicycle facility, at least 5 feet in width and constructed of an all weather surface on one side of the street, shall be provided between the curb and the right of way line or the sidewalks can be constructed at least 8 foot in width on one side of the street to accommodate both pedestrian and bicycle traffic. If separate bicycle facilities cannot be provided, such as along existing collector and arterial streets of sufficient width, bicycle lanes, located within the pavement section, shall be a minimum of 5 feet wide (excluding curb and drain inlets), and shall be signed, striped and marked for bicycle use. Bike paths, when required within the city limits, may be constructed with development of the abutting property at the time building permit acquired. Bike paths, when required within the city limits, may be constructed with development of the abutting property at the time building permit acquired.~~

When identified on the City Council approved Bike Facilities Master Plan roadways requiring bicycle facilities shall be constructed in accordance with the American Association of State Highway and Transportation Officials "Guide for the Development of Bicycle Facilities.

* * * * *

(q) Sidewalk Standards

(1) Applicability.

Sidewalks shall be required on both sides of all internal streets and the subdivision side of all adjacent or perimeter streets except as specified in Subsection (2), below. Reverse residential street lots shall have sidewalks provided on both street frontages. Sidewalks shall be required as part of the street

improvements only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street. In addition, if sidewalks are in place at the time of platting or permitting, the requirement to reconstruct said walks shall be imposed if walks do not meet minimum ADA standards.

* * * * *

Chapter 35, Article V, Sections 35-511(b) and 35-511(c) (6) are amended as follows:

35-511 Landscaping

* * * * *

(b) Landscape plan

Activities subject to this Section which exceed 4,300 square feet of impervious surface shall include landscape materials installed in conformance with the approved landscape plan bearing the seal of a registered landscape architect. If all Landscape Buffer, Landscape and Tree Preservation requirements have been met by the utilization of existing trees and vegetation, the seal of a registered landscape architect is not required.

(c) Mandatory Criteria

* * * * *

(6) Irrigation.

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. An irrigation system will be required on projects when any one of the following are used to meet the requirements of this chapter:

- A. an area greater than 2,000 sq ft of new landscape or;
- B. more than 10 trees will be installed or;
- C. projects which exceed 4,300 square feet of impervious surface.

In lieu of an irrigation system, a hose bib must be within 100 feet of the newly installed plant material. No irrigation is required for turf areas. 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:

* * * * *

Chapter 35, Article V, Section 35-514 is amended as follows:

35-514 Fences and Walls

* * * * *

(c) Height Limitation

- (1) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard (that area which lies between the front lot line and that of the nearest principal structure) to exceed a height of four (4) feet with the fence or wall to be so constructed that vision will not be obscured above a height of three (3) feet. Except as provided in subsection (2), below, no fence or wall, other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of six (6) feet. This subsection shall not apply to fences erected as required by Chapter 16, Article VII of this Code (Salvage Yards and Auto Dismantlers), or in § 35-510 of this chapter.
- (2) Notwithstanding the provisions of Subsection (1), above, a fence may be erected or altered up to a height of eight (8) feet where:
 - A. The fence adjoins a perimeter street; or
 - B. The ground floor elevation of the principal dwelling on an adjoining lot is at least four feet higher than the elevation at the adjoining lot line; or The fence abuts a side or rear lot line which adjoins a collector street or an arterial street (in which case streetscape planting shall be provided in accordance with § 35-512 of this Code) or
 - C. The fence is a sound wall or fence required by TXDOT.
 - D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use permit.
 - E. The fence is located on a residential lot which abuts a “C-3” or more intensive use that does not require a bufferyard.

* * * * *

Chapter 35, Article V, Sections 35-515(c) (5) and 35-515(h) are amended as follows:

35-515 Lot Layout Regulations

* * * * *

(c) Lots

- (1) **Compliance With Zoning District Regulations.**

For proposed subdivisions within the incorporated area of the city, the size, width, depth, shape, and orientation of lots shall comply with the applicable zoning district regulations.

(2) Factors Governing Dimensions.

The size, width, depth, shape, and orientation of lots shall:

- Provide adequate building sites suitable to the special needs of the type of use contemplated.
- Accommodate lots of the size and dimensions required by Articles 2 and 3 of this chapter.
- Provide for convenient access, circulation, control and safety of street traffic.
- Give due regard to the limitations and opportunities of topography.

(3) Minimum Lot Size in City Limits.

Within the incorporated areas of the city, minimum lot size shall conform to the requirements of Article 3, § 35-310.

(4) Frontage.

All lots shall front on a public or private street and shall have a minimum frontage width as indicated in § 35-310. On irregular shaped lots, a minimum street frontage of fifteen (15) feet shall be required. Residential lots shall not front on a collector street, arterial street, or parkway. An "irregular shaped lot" includes any lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet.

(5) Prohibition against creating landlocked conditions

Plat applicants shall ensure that there is no abutting landlock conditions created by the proposed plat.

* * * * *

(h) Flag Lots

- (1) Not more than the following number of flag lots may be authorized to allow for the more efficient use of irregularly shaped parcels of land, or where the integrated nature of multiple buildings on a site dictates the need for such lots. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations. Flag lots shall not be permitted where they will increase the number of lots that take their access from collector or arterial streets.

Table 515-2

MAXIMUM NUMBER OF FLAG LOTS	
Size of Subdivision	Maximum Number or Percentage (%) of Flag Lots
10 or fewer lots	2 lots
11-50	20%
51 or more	20%

- (1) The minimum driveway width shall be nine (9) feet.
- (2) Notwithstanding the provisions above, access to not more than four (4) lots may be provided by a shared driveway.
- (3) The minimum frontage at the right-of-way line for any flag lot shall be equal to the minimum required driveway width plus 4 feet. The flag pole portion of the lot shall not be considered in determining the area of the lot.
- (4) On flag lots the maximum front setback line shall be measured from the nearest point at which the lot meets the minimum width (as required in Table 35-310-1) parallel to the street on which the lot fronts.

* * * * *

Chapter 35, Article V, Sections 35-516(f), 35-516(g), and 35-516(o) are amended as follows:

35-516 Setback and Frontage Regulations

* * * * *

(f) Dwelling on Small Lot (See Section 35-701(c) Non-conforming Lots of Record)

~~A platted lot within a residential district which contains less than the minimum area for the district may be used for a single family dwelling provided that the lot is held in separate and different ownership from any immediately adjoining lot, has a minimum area of three thousand five hundred (3,500) square feet, and has a minimum street frontage of twenty (20) feet.~~

(g) Garages and Carports

There shall be a minimum of twenty (20) feet between the back of a sidewalk or the front property line and a front entry garage or carport.

* * * * *

(o) Previous Plats

The setback line, as shown on plats initiated two years prior to December 2, 2004 on all previously approved and recorded plats shall be recognized as the official setback line.

Chapter 35, Article VI, Section 35-612(a), 35-612(c), 35-612(d), 35-612(f), 35-612(g), and 35-612(m) are amended as follows:

Chapter 35, Article VI, Section 35-606 is amended as follows:

35-606 Designation of Historic Landmarks

(c) Resources Not Designated by Initial Ordinance

* * * * *

(2) Uninventoried Resources.

As required under the Certified Local Government (CLG) program of the National ~~national~~ Park Service and the Texas Historical ~~historical~~ Commission ~~commission~~, the historic and design review commission on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of § 35-607. For such inventories, the commission shall rate the resources as exceptional, significant, not significant or not rated. Those buildings, objects, sites or structures found by the board to meet the criteria for exceptional or significant landmarks shall be recommended for designation following the procedures in subsection (a) of this section.

35-612 Signs and Billboards

(a) General Provisions

(1) All signage within an historic district or on a designated historic landmark shall conform to all city codes and must have approval of the historic and design review commission prior to installation. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the director of planning.

(2) Signs should respect and respond to the historic character and period being preserved.

(b) Proportion of Signs

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

(c) **Number and Size of Signs**

- (1) For buildings housing one business or service, one (1) major sign and (2) minor signs per façade with a public entrance to that business per structure and two (2) minor signs shall be permitted in historic districts and on designated historic landmarks. A façade shall be considered the entire area of a building elevation extending from the roof or parapet to the ground and from one corner of the building to another including the entire building walls, recessed, wall faces, parapets, fascia, windows, doors, canopy, and all other components that make one complete architectural elevation.
- (2) For buildings housing more than one business or service, the historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or his agent develop a master signage plan or signage guidelines for the total building or property.
- (3) For buildings located in an historic district and for all designated landmarks, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.
- (4) For all buildings in a historic district and for all designated landmarks, signs are allowed only for those occupancies that have a separate and distinct public entrance. Signs are allowed only on those building facades (as described in 35-612(c) (1) with a public entrance to the business. Total signage allowances are per façade (as described in 35-612(c) (10 only. Signage allowances cannot be transferred from one façade (as described in 35-612(c) (1) to another.
- (5) The sign area shall be determined in the following manner:
 - A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or the displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.
 - B. Three-dimensional signs. For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object that can be enclosed.

C. Channel letter signs. For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.

(d) Prohibited Signs

- (1) Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks. ~~Other signs which shall not be permitted within historic or on historic landmarks include:~~
- (2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- (4) Any sign which does not identify a business or service within the historic district or historic landmark;
- (5) Any sign which is abandoned for more than six (6) months or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) Any attachment to an already affixed sign which does not meet the provisions of the city code;
- (7) Roof mounted signs, except in the cases of landmark signs or unless approved by the historic and design review commission in accordance with standards set forth in subsections (b) and (c) of this section. Historic roof mounted billboards may be resurfaced provided that the billboard was legally erected and is registered with the Development Services Department. The square footage of roof mounted signs would be included in the total allowable signage for the building.
- (8) Pole signs, as defined in chapter 28 of the city code.
- (9) Revolving signs or signs with a kinetic component.

* * * * *

(f) Menu Boards

Menu boards shall not exceed 360 square inches. ~~nine (9) square feet~~ Permanently displayed menus may be properly installed inside the business' window or in a historic and design review commission approved wall-mounted or freestanding display case adjacent to the business entrance. There may be no more than one menu board per establishment. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of

the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.

(g) Special Purpose Signs

All special purpose signs shall be approved by the historic and design review commission and shall be removed within thirty (30) days from the date of historic and design review commission approval unless otherwise specified by the historic and design review commission. If within the specified period the applicant property owner feels there is a continued need for the special purpose sign, they he or his representative shall schedule a hearing with the historic and design review commission to request additional display time.

* * * * *

(m) Temporary Signs

Temporary signs shall be subject ~~only~~ to the provisions of Chapter 28 of the city code.

Chapter 35, Article VI, Section 35-633(a) (1) is amended as follows:

35-633 Unidentified Archaeological Sites

- (a)** In evaluating archeological studies and treatment plans for archeological sites, the historic preservation officer and the HDRC:
- (1)** will apply the criteria for effect to, and significance of, archeological sites in the Antiquities ~~Code code~~ of Texas and in the regulations of the National Advisory Council ~~council~~ on Historic historie Preservation, treatment of archeological properties, under authority of the executive director of the Advisory Council advisory council, National Historic Preservation Act, and Executive Order 11593, and
 - (2)** will also apply the review criteria set forth in § 35-608 of this chapter.
- (b)** During the historic preservation officer and HDRC review of archaeological sites, as otherwise described herein:
- (1)** development or other activities may proceed wherever sites have not been identified or discovered; and,
 - (2)** any party proposing or engaged in any activity that would have an effect on or otherwise disturb an archeological site may at any time forego or suspend the activity and thereby suspend the historic preservation officer and/or HDRC review process for that activity at that time. In that event, the archeological sites concerned will not be disturbed unless and until the historic preservation officer and/or the HDRC review process, as described herein, is completed.

Chapter 35, Article VI, Section 35-652(a) and 35-652(c) (1) are amended as follows:

35-652 Responsibilities

(a) Department of Public Works

The department of public works shall:

- (1) administer the public art and design enhancement allowances, artists registry, and the artist selection panels;
- (2) implement policies and procedures relative to applying for and accepting gifts and grants, and deaccessioning, relocation, maintenance, repair, and alteration of the city art collection;
- (3) act as a liaison between artist selection panels, the public art committee, city departments, artists, design and building professionals and the public;
- (4) develop a public art and design enhancement plan linked to eligible city capital improvement projects;
- (5) maintain an inventory of publicly accessible spaces which are potential sites for placing artworks and/or art projects;
- (6) present to city council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks;
- (7) discuss with all city departments and project designers the possibility of their acceptance and placement of a gift or loan of an artwork to the city at specific sites;
- (8) discuss with city departments with eligible sites for the placement of a gift or loan of an artwork the cost of care and maintenance of said artwork; and
- (9) Select five (5) ~~three (3)~~ at large Public Art Committee members who shall be advisory and non-members of the historic and design review commission.

* * * * *

(c) Public Art Committee

The public art committee shall:

- (1) be composed of nine (9) ~~seven (7)~~ persons from within and outside the historic and design review commission's membership. At least four (4) of the nine (9) ~~seven (7)~~ members of public art committee (PAC) shall be members of the historic and design review commission. At large members ~~Members~~ of the PAC shall be limited to one two year term; however, of the initial appointments, four (4) shall hold a term of two (2) years and five (5) ~~three (3)~~ members shall hold a term of one year; the term for PAC members from the HDRC shall correspond to the term of their membership to the HDRC.
- (2) have a chairperson and shall be initially selected by the chairperson of the historic and design review commission, and shall have a term of one year. Subsequent

chairpersons shall be elected by the PAC for one year terms to manage the functions of the committee.

- (3) review and make recommendations on all final design enhancement projects to the historic and design review commission and following the criteria set forth in section 35-653; and
- (4) review and make recommendations on all proposed gifts and loans following the criteria set forth in section 35-655; and
- (5) review and make recommendations on the deaccessioning of artworks following the criteria set forth in section 35-656; and
- (6) review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the city art collection; and
- (7) review and make recommendations on the inventory of artworks in the city art collection, which shall be periodically inspected; and
- (8) develop, promote, and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.
- (9) Relocation of artwork shall be done upon recommendation of the subcommittee to the commission after consideration of the appropriateness of the proposed new location for the artwork ensuring that the new site is properly prepared and landscaped as an appropriate setting for the artwork and, if need be, consultation with the artist of the artwork.

The public art committee shall not bind the city of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the public art committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.

Chapter 35, Article VI, Sections 35-678(c)(1), 35-678(c)(7), 35-678(c)(8), 35-678(g), and 35-678(p) are amended as follows:

35-678 Signs and Billboards

* * * * *

(c) Number and size of signs

(1) Buildings housing one business.

For buildings housing one business or service, one (1) major sign per facade (as per 35-612(c)(1)) with a public entrance to that business ~~per structure~~ and two (2) minor signs shall be permitted in river Improvement Overlay districts.

(2) Buildings housing more than one business.

For buildings housing more than one business or service, the building owner shall develop a master signage plan or signage guidelines for the total building or property. The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.

(3) Square Footage of Signs.

For buildings located in the river improvement overlay districts, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.

(4) Number of Signs.

The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one business, the historic and design review commission may recommend directory signage. In the cases of signs with more than one sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.

(5) Height of Signs.

The top of any sign shall not be higher than twenty feet (20') above the ground below it. Exceptions may be granted if natural or man-made features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.

(6) Building Identification Signs.

Two building identification signs may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within. This type of sign is to identify a building as a destination. Building identification signs may not exceed thirty-five (35) square feet per facade. Building identification signs located above the eighth floor may exceed the size standard by three (times). Building identification signs located above the twelfth floor may exceed the sign standard by four (times). The HDRC may recommend approval of larger building identification signs located at the tops of building over fifteen stories, taking into consideration the placement of the sign and the impact on the pedestrians at street level.

(7) For all buildings in the River Improvement Overlay district, signs are allowed only for those occupancies that have a separate and distinct public entrance. Signs are allowed only on those building facades (as per 35-612(c)(1) with a public entrance to the business. Total signage allowances are per façade (as per 35-612(c)(1) only. Signage allowances cannot be transferred from one façade (as per 35-612(c)(1) to another.

(8) The sign area shall be determined in the following manner:

A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or the displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.

B. Three-dimensional signs. For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object can be enclosed.

C. Channel letter signs. For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.

* * * * *

(g) Menu Boards

Menu boards shall not exceed 360 square inches. Permanently displayed menus may be properly installed inside the business' window or in a historic and design review commission approved wall-mounted or freestanding display case adjacent to the business entrance. There may be no more than one menu board per establishment. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.

* * * * *

(p) Signs on the Riverside of Properties Abutting the River

This section governs all exterior signs on the riverside of public and private property abutting the San Antonio River and it's extensions, and all interior signs hung within ten feet (10') of an exterior fenestration, or those signs, intended to be read by exterior patrons on the riverside of a building.

Chapter 35, Appendix A, Section 35-A101 is amended as follows:

Appendix "A"

35-A101 Generally

Adjacent - Two properties, lots or parcels are "adjacent" where they abut, or where they are nearby and are separated by a dissimilar type of manmade or geologic feature including but not limited to a Roadway or Street, Right-of-Way, or railroad line, or any stream, river, canal, lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between.

~~**Adjacent** - Two properties, lots or parcels are "adjacent" where they abut, or where they are separated by a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water.~~

Athletic field - A sports playing field, the essential feature of which is turf grass, used primarily for organized sports for public or private schools, professional sports, or sanctioned league play, and for the use in 35-523 (e)(10) an athletic field would be on a site for a private or public school in association with youth sports.

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

~~**Bus shelter** - A roofed structure with at least three (3) walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.~~

Bus Stop - A fixed location where passengers board and alight usually identified by a sign.

~~**Car wash, automatic** - A structure where chair, conveyors, blowers, steam cleaners or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.~~

C of O - A certificate of occupancy issued by the San Antonio Development Service Department.

Caterer - An establishment that either stands alone or is part of another food service establishment which, by prior arrangement, prepares food, provides transportation for the food and serves the food, or sets up a buffet for self-service.

Contractor Facility - A office of an entity or individual that provides construction and or repair facilities and includes one or more of the following: outside or interior storage of equipment, tools, construction materials, salvaged construction materials, heavy equipment, truck or van fleets of 3 or more vehicles or similar items.

~~**Dwelling, one family** - A single structure occupied exclusively by not more than one (1) family.~~

Dwelling, Single-Family Attached (Townhouse or Rowhouse) – A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides. Each unit maintains a separate lot.

~~**Dwelling, one family attached** – Two (2) or more dwelling units with common walls between the units.~~

~~**Dwelling, single family** – See Dwelling, one family.~~

Dwelling, Single-Family Detached - A one-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Three-Family (triplex) - A detached house (on a platted single lot) designed for and occupied exclusively as the residence of not more than three (3) families, each living as an independent housekeeping unit.

~~**Dwelling, two-family attached** – Any two (2) dwelling units with a common wall between the units and under single ownership which may be attached by a common wall to the units.~~

Dwelling, Two-Family (duplex) - A detached house (on a platted single lot) designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

Fitness Center/Health Club - A place of business with equipment and facilities for exercising and improving physical fitness, open to its members and guests or to the public for a fee.

Gymnasium - A place, hall, building for gymnastics.

Heavy Equipment – Self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment.

Invasive Species - Include chinaberry, Chinese Tallow, Tree of Heaven, Chinese Pistache, Ligustrum, Golden Raintree and Tamarisk will not be protected and can be removed without penalty or mitigation.

Mobile Food Vending - A food service establishment mounted on a vehicle; for purposes of this definition a vehicle shall mean every device in, upon, or by which any food is or may be transported, pushed or drawn.

Mobile Food Vending, base of operation – The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking.

Office - A structure or portion of a structure building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, including such activities as providing day-to-day office administrative services, financial management, billing, record

keeping, personnel administration and logistics and which that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Re-growth - is the growth initiated due to previous cutting activities of a tree(s) and now has more than 3 trunks coming from the trunk above ground level and each trunk has a diameter of less than 1". Re-growth trees of such criteria are not protected.

Food Service Establishment - Shall include every restaurant, cafe, cafeteria, coffee shop, sandwich shop, snack bar, supper club, soda fountain, soft drink or ice cream parlor, luncheonette, or other similar establishment, which offers food or beverages for purchase and consumption on or off the premises.

School, Business or Commercial Trade - A profit or not for profit entity ~~business organized to operate for a profit, offering~~ providing instruction and training in a trade, a service or art office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school.

School, Vocational (technical, construction or industrial trades) - A profit or not for profit entity providing instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair, etc.

Short-lived Species - Include all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Transit Center (public operated system) – A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, seating, restrooms, sales outlet, ticket or pass vending machines and/or waiting areas for passenger pick-ups.

Transit Park-and-Ride Facility (public operated system) – A facility used for parking by transit riders, while they use transit agency services. Park-and-ride facilities are generally established as collector sites for transit service. Park-and-ride facilities may also serve as collector sites for vanpools and carpools, and as transit centers. The facility may have limited passenger amenities such as shelters, seating and posted route/schedule information.

Transit Transfer Center (public operated system) – A fixed location where passengers interchange from on route or vehicle to another. The amenities at this facility would include but not be limited to shelters, seating, lighting and posted route/schedule information.

Tree Stand Delineation - An optional alternative method for the "on-the-ground" tree survey and inventory required for the tree preservation plan using a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development. The area shall have at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a continuous canopy and shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph. An area of contiguous wooded vegetation shall include both understory and protected trees. An outline of the tree area(s) and the portion of that area (the tree save areas with the associated understory) that are to be preserved to meet the requirements as per the Tree Preservation standards in Section 35-523.

Wine Boutique – A retail outlet for bottled wines including custom bottled wines and labels on site for the consumer using wine concentrates as opposed to crushing and processing grapes on site.

Chapter 35, Appendix C, Sections 35-C102 (b) and 35-C103 are amended as follows:

Appendix “C”

35-C102 Zoning Fees

* * * * *

(b) Fees Established

The following fees are established for zoning cases and zoning related matters. All fees shall be paid at the time an application is filed or the service is requested.

(A) Permit, Development Order, Document or Action	(B) Fee Amount
****	****
Historical Site certification fee	\$40.00
Copy of zoning map	\$5.00
****	****
Sales of aerial plots/per linear ft.	\$20.00 \$25.00
****	****
Master Plan Policies document sales, per copy	\$35.00 per color copy \$ 5.00 per black/white copy \$35.00
Reproduction (special processing requirements), based on publication	\$15.00 per hour plus 20% overhead Costs plus 20%
Annexation plan, per copy	\$26.25
****	****
Neighborhood directory fee, per directory	\$40.00 paper, \$25 cd \$10.00
Neighborhood, Community, and Perimeter Plans	Varies \$2.00 to \$46.00 per plan \$5.00 per CD
****	****
Neighborhood notification package fee (for subscription)	\$75.00
Neighborhood, Community and Perimeter Plans plan amendment fee	0 to 0.5 acres = \$700.00 0.501 to 5.0 acres = \$1,430.00 5.01 to 10.0 acres = \$1,780.00 10.01 to 25 acres = \$2,140.00 25.01 acres or more + \$2,520.00
Sale of digital map files	\$15.00 per hr plus 20% Per file up to 100 files ... \$15.00 Per file over 100 files ... \$10.00
****	****

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.

(A) Permit, Development Order, Document or Action	(B) Fee Amount
****	****
Master Plan Amendment	\$450.00

Chapter 35, Appendix D, Sections 35-D101 (d), 35-D101(f), 35-D101(g), and 35-D101(h), are amended as follows:

Appendix “D”

35-D101 General

* * * * *

(d) Apartments in former commercial B-1 and B-2 zoning districts

Notwithstanding any provision of this Chapter to the contrary, multifamily dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as “F”, “G”, & “GG”, or the 1965 districts as “B-1,” “B-2,” or “B-2NA” prior to the adoption date of this Chapter so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the “C-1,” “C-2” or “C-2NA” zoning districts.

* * * * *

(f) Reserved Uses Subject to Overlay Zones Restrictions

An owner of a property may not reserve a use from their 1938 or 1965 Zoning designation if such use is prohibited by any existing overlay zone on that property.

(g) Multi-tenant uses

Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property’s zoning classification prior to February 4, 2002. This provision does not provide for the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses.

Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.

(h) Legally existing manufactured homes

Manufactured homes legally existing on a lot at the date of conversion (February 4, 2002) may be replaced with a newer HUD approved manufactured home.

SECTION 3. In addition the UDC shall be amended so that the terms City Public Service, City Public Service Board, CPS and/or CPSB shall be changed throughout Chapter 35 to City Public Service Energy or CPS Energy as correspond with the utility's name change.

SECTION 4. 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.

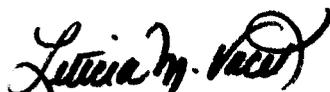
SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, 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.

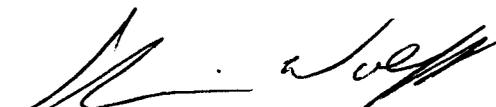
SECTION 6. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

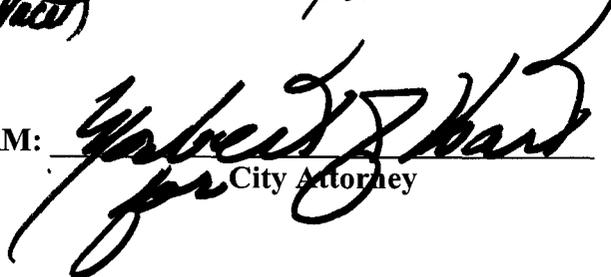
SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 8. This ordinance shall become effective January 1, 2006.

PASSED AND APPROVED this the 15th day of December, 2005.

ATTEST: 
City Clerk


M A Y O R
For

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 4. *Main Motion*

Date: 12/15/05

Time: 10:10:03 AM

Vote Type: Multiple selection

Description: Public Hearing and consideration of an Ordinance adopting amendments to Chapter 35 of the City Code submitted through the 2005 Annual Unified Development Code Update Program. [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		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 4. Amendment 1 as presented by CM Radle (VIA Exemption)

Date: 12/15/05

Time: 10:04:18 AM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 4. Amendment 2 as presented by CM Guajardo

Date: 12/15/05

*(To Remove Item
4+5)*

Time: 10:06:30 AM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1			X	
SHEILA D. MCNEIL	DISTRICT 2			X	
ROLAND GUTIERREZ	DISTRICT 3			X	
RICHARD PEREZ	DISTRICT 4			X	
PATTI RADLE	DISTRICT 5		X		
DELICIA HERRERA	DISTRICT 6		X		
ELENA K. GUAJARDO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8			X	
KEVIN A. WOLFF	DISTRICT 9			X	
CHIP HAASS	DISTRICT_10			X	
MAYOR PHIL HARDBERGER	MAYOR		X		