

Items B, C, D, E, F : Remaining Amendments from 2008 Biennial Update Program

Item B

35-504 Stormwater Management

(b) Stormwater Management Program

(1) Regional Stormwater Management Program (RSWMP).

C. To determine a significant adverse impact for the purposes of this section, the following criteria will be used to analyze the receiving storm water facilities within two thousand (2,000) linear feet of the project, to the nearest downstream RSWF, or to the nearest floodplain with an ultimate analysis accepted by the City, whichever is less. For lots less than three acres in size, adverse impact analyses need only extend to where tributary drainage areas equal 100 or more acres.

1. The storm water surface elevation (WSE) in receiving facility [natural or improved] drainage systems within 2000 linear feet of the proposed development may not be increased by the proposed development unless the increased DSE WSE is contained within easements or rights of way or the receiving systems have sufficient capacity to contain the increased WSE without increasing flooding to habitable structures.

2. ~~Where low water crossings exist within the study area, the DSE cannot be increased above the level of the 100-year ultimate development water surface at the low water crossing. The increase in flow at the Ultimate development runoff at low water crossing for the crossings during regulatory (5-year, 25-year and 100-year frequency) design storm events must not reclassify classify the low water crossing from a safe to as dangerous "Dangerous to Cross" condition crossing based on Figure 504-2. If the increased DSE ultimate WSE exceeds this criterion, the development crossings may be improved to the standards of this chapter in lieu of providing for onsite controls storm water control measures or paying a fee.~~

(f) Storm Water Detention

(4) Easement Requirements.

DRAFT UDC AMENDMENT

A. Drainage easements will be provided required for all regional detention facilities and water quality ponds accepting runoff from properties other than the lot on which the detention pond exists or will be constructed. Maintenance of the detention facility shall be the responsibility of the property owner or the property owner's association.

B. Full detention basin design may be deferred until the building permit stage IF the property owner submits a "request for detention deferral" demonstrating an understanding of the implications of such design deferral AND the following notes are placed on the subdivision plat AND supporting documentation is provided.

1. "Storm Water detention is required for this property. The engineer of record for this subdivison plat has estimated that an area of approximately _____ acres and a volume of approximately _____ acre feet will be required for this use. This is an estimate only and detailed analysis may reveal different requirements."

2. "No building permit shall be issued for this platted property until a storm water detention system design has been approved by the City of San Antonio."

C. For regional detention facilities, the easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation. The easement shall also extend to a minimum of fifteen feet outside both the 100-year pool and the structural improvements to facilitate maintenance as well as public safety.

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Item C

35-506 Transportation and Street Design.

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(a) Applicability.

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(3) Variance. A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public health, safety, or welfare. No variance shall be granted that reduces the number of traffic lanes or waives the construction of any traffic lane required by the Major Thoroughfare Plan. Application for a variance shall be submitted in writing to the director of planning and community

development accompanied by the variance fee specified in Appendix "C" to this chapter and an eight and one-half by eleven (8 1/2 x 11) inch site plan indicating the location of the variance request and the location of existing sidewalks and curbs within a two thousand-foot radius.

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Item D

(q) Sidewalk Standards.

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(2) Sidewalk Exceptions. Sidewalks shall not be required in the following situations:

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C. On local type A streets in single- or two-family residential subdivisions with a density less than 1.0 ~~2.5~~ residential units per acre

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(5) Width. Except as otherwise specified in Americans with Disabilities Act (ADA) (see § 35-501(e) herein), sidewalks shall have a minimum unobstructed width as follows:

A. In residential areas within the city limits and ETJ the minimum width of sidewalks adjoining a planting strip shall be four (4) feet ~~and in nonresidential areas the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets.~~ Sidewalk width does not include curb width.

B. The minimum width of sidewalks located within the boundaries of the "D" downtown district shall be not less than six (6) feet.

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Item E

35-712. Recognition of Rights Derived From V.T.C.A. Local Government Code Ch. 245.

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(b) Recognition of Statutory Rights.

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(3) Basis for Statutory Rights.

A. Master Development Plan (MDP)/Preliminary Overall Area Development Plan (POADP).
Further, the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. For a POADP

existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(i) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or city code provision. The filing of a minor amendment to a MDP/POADP, a plat or a replat will not result in a loss of rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.

An expired or invalid MDP/POADP may not be the basis for accrual of statutory rights under V.T.C.A. Local Government Code Ch. 245 or any other right or claim based on common law. Neither shall any endeavor or project that does not meet the requirements of Section 35-1027 of the 1987 UDC as amended nor any permit that has expired in accordance with the dormancy provisions of any state statute or provision of the city code be used as a basis for approval of permit rights, development rights, or statutory rights.

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Item F

(Highlighted areas shown for reference purposes only)

35-F124 Section A - Allowable Development Within the Regulatory Floodplain

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- (d) Account for increase in discharge due to loss of storage and increase in impervious cover in all reclamation analysis.

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- (f) The following development may be allowed in the Regulatory 100-year Floodplain and will require a Floodplain Development Permit (See 35-B106 for permit requirements).

- (1) All-weather ~~(passes the ultimate development 100-year flood)~~ street crossings that passes the ultimate development 100-year flood under the street.

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- (20) 100-year floodplain reclamation in areas of ineffective flow where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain. (See 35-F124 (d) and 35-124 (f) (27))

- (21) 100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank

area are less than 3 fps and where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain. (See 35-F124 (d) and 35-124 (f) (27))

- (22) Historic structure reconstruction, rehabilitation or restoration.
- (23) Development in the Low Risk Flood Area as defined by Appendix A or subject to the requirements of Section 35-F145.
- (27) Construction in areas of flood inundation must meet the requirements of section 35-F141, General Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.

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35-F141 General Standards.

- (a) In all areas of special flood hazards the following provisions are required:
 - (8) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.