

TF:amt
8/13/87

AN ORDINANCE **65513**

ADOPTING THE UNIFIED DEVELOPMENT CODE.

* * * * *

WHEREAS, the quality of development within the City of San Antonio and its extraterritorial jurisdiction is in large measure dependent upon the quality its development regulations; and

WHEREAS, the City Council is empowered to prepare, adopt, and administer rules and regulations pertinent to development; and

WHEREAS, the City Council passed Ordinance No. 62906 in May 1986 approving a contract with a private consultant to consolidate the City's regulations pertaining to development into a unified code without substantive changes to the regulations; and

WHEREAS, the Planning Commission and Zoning Commission have reviewed the unified code prepared by the consultant and staff, and determined that it will enhance the quality of development in the San Antonio planning area and have recommended adoption of the Unified Development Code; and

WHEREAS, the City Council has held a public hearing in order to receive comments on the proposed unified code from parties in interest and other citizens; and

WHEREAS, the unified code will assist the Council in fulfilling its function for ensuring the public health, safety, and welfare; **NOW THEREFORE:**

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

SECTION 1. The Unified Development Code is hereby adopted as part of the City Code. A copy is attached hereto and incorporated herein.

SECTION 2. In conjunction with the adoption of the Unified Development Code, the following changes to the City Code are also adopted.

- (a) Delete Article IV, Airport Zoning, in its entirety from Chapter 3, Airports.
- (b) Delete Chapter 12, Flood Plains, in its entirety.
- (c) (1) Delete the following sections from Chapter 18, Mobile Home Parks:

Sections 18-5, 18-6, 18-7(b) and 18-7(c), 18-8, 18-9(a), 18-46 through 18-49, 18-61 through 18-70, 18-73, 18-74, 18-76, 18-78(c), 18-111, 18-126 through 18-128.

(2) Delete the following definitions from Section 18-4:

Commission, crosswalk, cul-de-sac, director of building inspections, easement, master plan, mobile home, mobile home park, mobile home park plan, mobile home setback line, mobile home site, mobile home stand, private street, public right-of-way, recreational vehicles, and roadway or paving width.

- (d) Delete sections 29-16 and 29-36 through 29-40 from Chapter 29, Streets and Sidewalks.
- (e) Delete Chapter 30, Subdivisions, in its entirety.
- (f) Delete present Chapter 35, Zoning, in its entirety and replace with the Uniform Development Code attached hereto.

SECTION 3. The new development code constitutes a recodification and combination of existing provisions in the Zoning and Subdivision Chapters of the City Code, and is non-substantive. The new code shall be published as part of the City Code as directed by the City Clerk. Existing penalty provisions shall continue to apply.

PASSED AND APPROVED this 13th day of August, 1987.

Henry Cisneros
M A Y O R

ATTEST:

Anna S. Rodriguez
City Clerk

APPROVED AS TO FORM:

Tom Amundson
City Attorney

87-38

UNIFORM CODE OF DEVELOPMENT REGULATIONS

5:00 p.m.

ITEM NO. 3
DATE: AUG 13 1987

MEETING OF THE CITY COUNCIL

DATE:

MOTION BY: Hompson

SECONDED BY: Dubner

ORD. NO. 65513

ZONING CASE

PETITION

TION

ET & RESEARCH

BUILDING INSPECTIONS

BUILDING INSPECTIONS-HOUSE NUMBER

CITY WATER BOARD

CITY ATTORNEY (LUIS GARCIA)

COMMERCIAL RECORDER

CONVENTION & VISITORS BUREAU

CONVENTION FACILITIES

ECONOMIC & EMPLOYMENT DEVELOPMENT

EQUAL EMPLOYMENT OPPORTUNITY

FINANCE DIRECTOR

ASSESSOR

CONTROLLER

TREASURY DIVISION

GRANTS

INTERNAL AUDIT

RISK MANAGEMENT

FIRE DEPARTMENT

HUMAN RESOURCES & SERVICES

INFORMATION RESOURCES

LIBRARY

MARKET SQUARE

METROPOLITAN HEALTH DISTRICT

MUNICIPAL COURTS

PARKS & RECREATION

PERSONNEL

PLANNING

POLICE DEPARTMENT

PUBLIC UTILITIES

PUBLIC WORKS

ENGINEERING

CENTRAL MAPPING

REAL ESTATE

TRAFFIC ENGINEERING

PURCHASING & GENERAL SERVICES

WASTEWATER MANAGEMENT

ZONING ADMINISTRATION

SPECIAL PROJECTS - CITY MANAGER

MAN. CODE CORR. (M/ATV)

MARIA BERRIOZABAL
PLACE 1

JOE WEBB
PLACE 2

HELEN DUTMER
PLACE 3

FRANK D. WING
PLACE 4

WALTER MARTINEZ
PLACE 5

BOB THOMPSON
PLACE 6

YOLANDA VERA
PLACE 7

NELSON WOLFF
PLACE 8

WEIR LABATT
PLACE 9

JAMES C. HASSLOCHER
PLACE 10

HENRY G. CISNEROS
PLACE 11 (MAYOR)

ROLL CALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1	✓	
JOE WEBB PLACE 2	ABSENT	
HELEN DUTMER PLACE 3	✓	
FRANK D. WING PLACE 4	✓	
WALTER MARTINEZ PLACE 5	✓	
BOB THOMPSON PLACE 6	✓	
YOLANDA VERA PLACE 7	✓	
NELSON WOLFF PLACE 8	✓	
WEIR LABATT PLACE 9	ABSENT	
JAMES C. HASSLOCHER PLACE 10	✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)	✓	

AMENDS

PUBLISH! (summary done!)

87-38

(4)

OUTLINE OF
UNIFIED CODE OF DEVELOPMENT REGULATIONS

ARTICLE I. ADMINISTRATIVE

- Division 1. General
- Division 2. Administration and Enforcement
- Division 3. Definitions

ARTICLE II. PLANNING

- Division 1. Master Plan Elements and Conformity
- Division 2. Preliminary overall area development plans
- Division 3. Municipal utility district policy
- Division 4. Annexation policy

ARTICLE III. ZONING

- Division 1. General
- Division 2. Zoning Procedures
- Division 3. Board of Adjustment
 - Subdivision A. Administrative
 - Subdivision B. Exceptions
 - Subdivision C. Variances
- Division 4. Nonconforming Uses
- Division 5. Use regulations for property zoned subsequent to June 28, 1965
 - Subdivision A. Residential districts
 - Subdivision B. Business districts
 - Subdivision C. Industrial districts

Division 6. Overlay Districts

Subdivision A. Edwards recharge zone district (ERZD)

Subdivision B. Planned unit development districts

Subdivision C. River Walk overlay district

Subdivision D. Military airport overlay zones

Division 7. Performance Districts

Subdivision A. Planned Residential Development

Subdivision B. Business Park District

Division 8. Permitted Uses

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Subdivision B. Child day care centers, nurseries, and kindergartens

Division 9. Supplementary Regulations

Subdivision A. Supplementary use regulations

Subdivision B. Supplementary height, yard and area requirements

Subdivision C. Off-street parking requirements

Subdivision D. Off-street truck loading requirements

Division 10. Historic Districts and Landmarks

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Subdivision B. Historic Districts and Landmarks

Subdivision C. Permits

Subdivision D. Archaeological Sites and Cemeteries

Subdivision E. Standards

Subdivision F. Demolition

Subdivision G. Ad Valorem Tax Exemption

Division 11. Joint Airport Zoning and Airport Hazard Regulations

Division 12. Use Regulations for Property Zoned Prior to June 28, 1965

ARTICLE IV. SUBDIVISIONS

Division 1. General

Division 2. Planning Commission

Division 3. Subdivision Design Standards

Division 4. Streets and Sidewalks

Subdivision A. Streets

Subdivision B. Street numbers

Subdivision C. Sidewalks

Division 5. Specifications and Procedure for Plats

Subdivision A. Plat specifications

Subdivision B. Procedure

Division 6. Utilities

Subdivision A. Water

Subdivision B. Sanitary sewers

Subdivision C. Easements

Division 7. Flood Plains

Subdivision A. General

Subdivision B. Administration and Enforcement

Subdivision C. Development permits

Subdivision D. Standards for Flood Hazard Reduction

Division 8. Mobile Home Parks

EXHIBIT A. SPECIFICATIONS AND DESIGN STANDARDS FOR PUBLIC WORKS IMPROVEMENTS

Division 1. General

Division 2. Streets, alleys, sidewalks, cross walkways and drainage structures

Division 3. Sanitary sewers

Division 4. Storm Drainage

Division 5. Drainage supplement

Division 6. Figures

EXHIBIT B. FORMS

EXHIBIT C. FEE SCHEDULE

EXHIBIT D. FLOOD PLAIN ENGINEERING & PROCEDURES REQUIREMENTS WITHIN FEMA OR U.S. CORPS OF ENGINEERS OFFICIAL FLOOD PRONE AREAS

EXHIBIT E. CITY OF SAN ANTONIO REGIONAL AGENT BOUNDARY

EXHIBIT F. TREE SPECIES RECOMMENDATIONS FOR SAN ANTONIO URBAN AREA BY THE TEXAS FOREST SERVICE

AS OF AUGUST 13, 1987, CHAPTER #35 IS NOW IDENTIFIED AS THE
"NEW DEVELOPMENT CODE". THE NEW DEVELOPMENT CODE CONSTITUTES
A RECODIFICATION AND COMBINATION OF EXISTING PROVISIONS IN THE
ZONING AND SUBDIVISION CHAPTERS OF THE CITY CODE, AND IS NON-
SUBSTANTIVE. THE NEW CODE SHALL BE PUBLISHED AS PART OF THE CITY
CODE AS DIRECTED BY THE CITY CLERK. EXISTING PENALTY PROVISIONS
SHALL CONTINUE TO APPLY.

ORDINANCE NO: 65513, PASSED AND APPROVED THIS 13th DAY OF AUGUST, 1987.

THE STATE OF TEXAS
County of Bexar

00748
#14
CY255566b
City
Clerk
Chapter
35

.00

Before me SYLVIA GALLEGOS

a Notary Public in and for said County, State of Texas, on this day personally appeared

MARK A. LINN

known to me,

who, being duly sworn, state on oath that HE is BILLING SUPERVISOR
of The San Antonio Light, a newspaper of general circulation published at San Antonio, County of
Bexar, State of Texas, and that the advertisement hereto attached was published on the following dates.

AUGUST 21, 1987

AN ORDINANCE 65513
ADOPTING THE UNIFIED
DEVELOPMENT CODE.

This Code incorporates the Airport Zoning provisions (part of Chapter 3 of the City Code), the Flood Plain Ordinance (Chapter 12), parts of the Mobile Home Park Regulations (Chapter 18), parts of the Street and Sidewalk Regulations (Chapter 29), the Subdivision Regulations (Chapter 30), and the Zoning Ordinance (Chapter 35).

The intent of this project is to consolidate all of the City of San Antonio's regulations pertaining to development into a unified, coordinated, and internally-consistent code. The Code does not contain any substantive changes to the regulations.

PASSED AND APPROVED this 13th day of August, 1987.

/s/ Henry G. Cisneros

MAYOR

ATTEST: /s/ Norma S. Rodriguez

City Clerk

APPROVED AS TO FORM

Tom Finley

City Attorney

ore me, this 21 day of AUGUST A. D. 1987

Sylvia Gallegos
Notary Public in and for BEXAR
County, Texas.

My commission expires FEB 14, 1989

3:00pm
3

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO	For CMO use only
Approval		Request For Ordinance/Resolution	Date Considered _____ Consent ☐ Individual ☐ Item No. _____ Ord. No. _____
Finance	Budget		
Legal	Coordinator		

Date:	Department:	Contact Person/Phone #
July 28, 1987	Planning	Roland A. Lozano, Ext. 7870
Date Council Consideration Requested:	Deadline for Action:	Dept. Head Signature:
August 13, 1987	August 13, 1987	<i>[Signature]</i>

SUMMARY OF ORDINANCE

This is a public hearing and consideration of adopting on the Uniform Code of Development Regulations. This Code incorporates the Airport Zoning provisions (part of Chapter 3 of the City Code), the Flood Plain Ordinance (Chapter 12), parts of the Mobile Home Park Regulations (Chapter 18), parts of the Streets and Sidewalk Regulations (Chapter 29), the Subdivision Regulations (Chapter 30), and the Zoning Ordinance (Chapter 35).

The intent of this project is to consolidate all of the City's regulations pertaining to development into a unified, coordinated, and internally consistent code. The Code does not contain any substantive changes to the regulations.

Staff recommends that the City Council favorably consider adopting the Uniform Code of Development Regulations.

Council Memorandum Must Be Attached To Original

Other Depts., Boards, Committees Involved (please specify):

Planning Commission and Zoning Commission

Contract signed by other party

N/A Yes ☐ No ☐

FISCAL DATA (If Applicable)

Fund No. _____ Amt. Expended _____

Activity No. _____ SID No. _____

Index Code _____ Project No. _____

Object Code _____

Comments:

Budgetary Implications

Funds/Staffing Budgeted Yes ☐ No ☐

Positions Currently Authorized

Impact on future O & M _____

If positions added, specify class and no.

Coordinator — White
 Legal — Green
 Budget — Canary
 Finance — Pink
 Originator — Gold

A RESOLUTION
NO. 87-07-01

ADOPTING THE UNIFIED CODE OF
DEVELOPMENT REGULATIONS

WHEREAS, the quality of development within the City of San Antonio is in large measure dependent upon the quality of the Zoning Ordinance; and

WHEREAS, the Zoning Commission is empowered to prepare, adopt, and administer rules and regulations pertinent to zoning; and

WHEREAS, the City Council passed Ordinance No. 62906 in May 1986 approving a contract with a private consultant to consolidate the City's regulations pertaining to development into a unified code without substantive changes to the regulations; and

WHEREAS, the Zoning Commission has reviewed the unified code prepared by the consultant and staff, and determined that it will enhance the quality of development in the City of San Antonio; and

WHEREAS, the Zoning Commission has held a public hearing in order to receive comments on the proposed unified code from parties in interest and other citizens; and

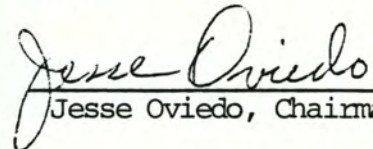
WHEREAS, the unified code will assist the Commission in fulfilling its function for ensuring the public health, safety, and welfare; NOW THEREFORE:

BE IT RESOLVED BY THE ZONING COMMISSION OF THE CITY OF SAN ANTONIO:

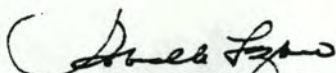
That the Unified Code of Development Regulations be adopted and forwarded with our recommendation to the City Council for formal consideration.

PASSED AND APPROVED THIS 21st DAY OF July, 1987.

APPROVED:


Jesse Oviedo, Chairman

ATTEST:


Executive Secretary

A RESOLUTION
NO. 87-07-03

ADOPTING THE UNIFIED CODE OF
DEVELOPMENT REGULATIONS

WHEREAS, the quality of development within the City of San Antonio and its extraterritorial jurisdiction is in large measure dependent upon the quality of the Subdivision Regulations; and

WHEREAS, the Planning Commission is empowered by the Charter to prepare, adopt, and administer rules and regulations pertinent to subdivisions and platting; and

WHEREAS, the City Council passed Ordinance No. 62906 in May 1986 approving a contract with a private consultant to consolidate the City's regulations pertaining to development into a unified code without substantive changes to the regulations; and

WHEREAS, the Planning Commission has reviewed the unified code prepared by the consultant and staff, and determined that it will enhance the quality of development in the San Antonio planning area; and

WHEREAS, the Planning Commission has held a public hearing in order to receive comments on the proposed unified code from parties in interest and other citizens; and

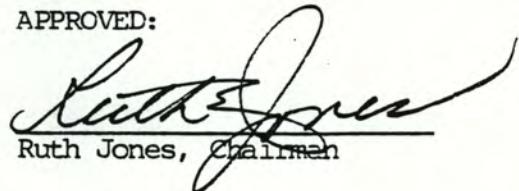
WHEREAS, the unified code will assist the Commission in fulfilling its function for ensuring the public health, safety, and welfare; NOW THEREFORE:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

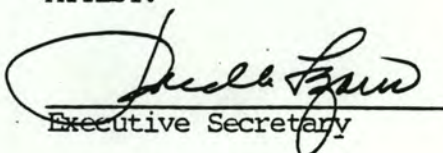
That the Unified Code of Development Regulations be adopted and forwarded with our recommendation to the City Council for formal consideration.

PASSED AND APPROVED THIS 22nd DAY OF JULY, 1987.

APPROVED:


Ruth Jones, Chairman

ATTEST:


Executive Secretary

CITY OF SAN ANTONIO
50-01-01
Interdepartment Correspondence Sheet

PUBLIC HEARING

3

AGENDA ITEM NO. _____

TO: City Council through City Manager's Office
FROM: Roland A. Lozano, Director of Planning
COPIES TO: Rebecca Q. Cedillo, Assistant Director of Planning; File
SUBJECT: UNIFORM CODE OF DEVELOPMENT REGULATIONS

Date July 28, 1987

SUMMARY AND RECOMMENDATION

This is a public hearing and consideration of adopting the Uniform Code of Development Regulations. (This Code incorporates the Airport Zoning provisions (part of Chapter 3 of the City Code), the Flood Plain Ordinance (Chapter 12), parts of the Mobile Home Park Regulations (Chapter 18), parts of the Streets and Sidewalk Regulations (Chapter 29), the Subdivision Regulations (Chapter 30), and the Zoning Ordinance (Chapter 35)).

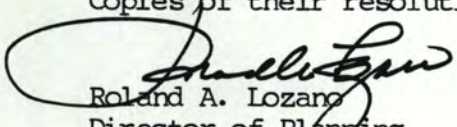
The intent of this project is to consolidate all of the City's regulations pertaining to development into a unified, coordinated, and internally consistent code. The Code does not contain any substantive changes to the regulations.

Staff recommends that the City Council favorably consider adopting the Uniform Code of Development Regulations.

POLICY ANALYSIS

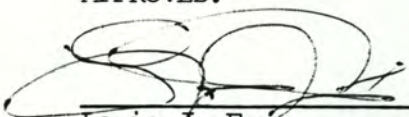
In May 1986, the City Council passed ordinance #62906 which awarded a contract to Wendell Davis and Associates to prepare the Unified Code of Development Regulations. Mr. Davis completed the final draft in February of this year. Since February copies of the draft have been distributed and reviewed by the City staff, Planning Commission, Zoning Commission, and interested professional/neighborhood organizations.

The Zoning Commission and the Planning Commission held public hearings and considered the Unified Development Code on July 21 and 22 respectively. Copies of their resolutions approving the Code are attached.


Roland A. Lozano
Director of Planning

RAL/MCO/hdlv

APPROVED:


Louis J. Fox
City Manager

UNIFIED DEVELOPMENT

CODE

August 1987

TF:amt
8/13/87

AN ORDINANCE **65513**

ADOPTING THE UNIFIED DEVELOPMENT CODE.

* * * * *

WHEREAS, the quality of development within the City of San Antonio and its extraterritorial jurisdiction is in large measure dependent upon the quality its development regulations; and

WHEREAS, the City Council is empowered to prepare, adopt, and administer rules and regulations pertinent to development; and

WHEREAS, the City Council passed Ordinance No. 62906 in May 1986 approving a contract with a private consultant to consolidate the City's regulations pertaining to development into a unified code without substantive changes to the regulations; and

WHEREAS, the Planning Commission and Zoning Commission have reviewed the unified code prepared by the consultant and staff, and determined that it will enhance the quality of development in the San Antonio planning area and have recommended adoption of the Unified Development Code; and

WHEREAS, the City Council has held a public hearing in order to receive comments on the proposed unified code from parties in interest and other citizens; and

WHEREAS, the unified code will assist the Council in fulfilling its function for ensuring the public health, safety, and welfare; NOW THEREFORE:

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

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SECTION 2. In conjunction with the adoption of the Unified Development Code, the following changes to the City Code are also adopted.

- (a) Delete Article IV, Airport Zoning, in its entirety from Chapter 3, Airports.
- (b) Delete Chapter 12, Flood Plains, in its entirety.
- (c) (1) Delete the following sections from Chapter 18, Mobile Home Parks:

Sections 18-5, 18-6, 18-7(b) and 18-7(c), 18-8, 18-9(a), 18-46 through 18-49, 18-61 through 18-70, 18-73, 18-74, 18-76, 18-78(c), 18-111, 18-126 through 18-128.

(2) Delete the following definitions from Section 18-4:

Commission, crosswalk, cul-de-sac, director of building inspections, easement, master plan, mobile home, mobile home park, mobile home park plan, mobile home setback line, mobile home site, mobile home stand, private street, public right-of-way, recreational vehicles, and roadway or paving width.

- (d) Delete sections 29-16 and 29-36 through 29-40 from Chapter 29, Streets and Sidewalks.
- (e) Delete Chapter 30, Subdivisions, in its entirety.
- (f) Delete present Chapter 35, Zoning, in its entirety and replace with the Uniform Development Code attached hereto.

SECTION 3. . The new development code constitutes a recodification and combination of existing provisions in the Zoning and Subdivision Chapters of the City Code, and is non-substantive. The new code shall be published as part of the City Code as directed by the City Clerk. Existing penalty provisions shall continue to apply.

PASSED AND APPROVED this 13th day of August, 1987.

Henry Cisneros
M A Y O R

ATTEST:

Theresa J. Rodriguez
City Clerk

APPROVED AS TO FORM:

John J. [Signature]
City Attorney

CHAPTER 35

UNIFIED DEVELOPMENT CODE

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Division 1. General

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CHAPTER 35

UNIFIED DEVELOPMENT CODE

ARTICLE I. ADMINISTRATIVE

Division 1. General

Sec. 35-1001. Title.

This chapter shall be known and may be cited as the Unified Development Code of the City of San Antonio.

Sec. 35-1002. General purpose and intent.

(a) The Unified Development Code as established in this chapter has been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the community. It is intended to consolidate in one place and in logical order without unnecessary duplication all of the regulations pertaining to land use and development. It is designed to make it possible for all of those concerned with land use and development to have access to all city legislation with respect thereto in one convenient chapter which is capable of being published and distributed as a separate and comprehensive segment of the city code as a whole.

(b) These regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve energy; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to achieve orderly urban development through land subdivision; to promote and develop the use of land to assure the best possible community environment in accordance with the master plan of the city; and to provide for adequate municipal services and safe streets.

Sec. 35-1003. Adoption of legislative grant of power.

The following sections of Vernon's Annotated Codes of the State of Texas are hereby adopted: Local Government Code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431; Property Code, Section 12.002; Water Code; Flood Control and Insurance Act, Sections 16.311 through 16.317; and Vernon's Annotated Civil Statutes, Article 1175 and Article 4436. Provisions of this chapter are adopted in the exercise of the power granted municipalities by these statutes and pursuant to the provisions of Article 1, Section 3, paragraphs 9 and 13 of the Charter of the City of San Antonio.

Sec. 35-1004. Severability of chapter.

If for any reason any one or more sections, sentences, clauses or parts of this chapter are held invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this chapter but shall be confined in its operation to the specific sections, sentences, clauses or parts of this chapter held invalid. The invalidity of any section, sentence, clause or part of this chapter in any one or more instances shall not affect or prejudice in any way the validity of this chapter in any other instance.

Sec. 35-1005. Scope of chapter.

This chapter shall have application to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, flood plains, mobile home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability.

Sec. 35-1006. Applicability.

(a) Zoning. The provisions of Article III, Zoning, shall not apply to property belonging to or used by the city, or to property used to provide city owned utilities. In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this article shall likewise not apply to buildings of county, state, or federal agencies, except for (1) those cases in which the land is not owned by the county, state, or federal agency and (2) the prohibition of schools in the Military Airport Overlay Zones.

(b) Subdivisions.

(1) Extraterritorial applicability. Subdivision and platting regulations as set out herein shall apply to all of the area within the extraterritorial jurisdiction of the city as provided in Vernon's Local Government Code, Chapter 212.

(2) The provisions of Article IV, Subdivisios, shall not apply:

- a. To public parks which are owned, maintained, and/or operated by a governmental entity. If public parks are platted, they shall be exempt from platting fees and site improvement requirements.
- b. To the subdivision of any tract of land in the extraterritorial jurisdiction into parcels ten (10) acres or greater in area, which are to be used for agriculture, grazing, quarrying, mining, or are to be retained in a natural state.

Sec. 35-1007. Rules of construction.

- (a) words, phrases and terms defined in this chapter shall be given the defined meaning.
- (b) Words, phrases and terms not defined in this chapter, but defined in the building code adopted by Chapter 6 of this code shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (c) Words, phrases and terms neither defined in this chapter nor in the building code shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (d) The text of this chapter shall control captions, titles and maps.
- (e) The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
- (f) Words used in the singular include the plural and words used in the plural include the singular.
- (g) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (h) In their interpretation and application, the provisions of this chapter shall be deemed to be minimal in nature and whenever the provisions, standards or requirements of any other applicable chapter of this code are higher or more restrictive, the latter shall control.

Division 2. Administration and Enforcement

Sec. 35-1021. Administrative official.

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and building inspections shall ordinarily administer and enforce the provisions of this chapter.

Sec. 35-1022. Violations defined.

Any act of commission or omission contrary to the commands or directives of this chapter, or any breach of any duty imposed by this chapter, shall constitute a violation hereof.

Sec. 35-1023. Civil enforcement.

(a) The municipality or any proper person may institute any appropriate civil action or proceedings to prevent violations or threatened violations of these regulations. In particular, but without limitation, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the municipality or any proper person may institute any appropriate action or proceedings to (1) prevent such unlawful acts and to restrain, correct or abrogate such violation; (2) prevent the occupancy of the building, structure or land; or (3) prevent any illegal act, conduct, business or use in or about such premises, including but not limited to all remedies provided in Vernon's Ann. Civ. St., art 1011h. The imposition of any penalty hereunder shall not preclude the city or any proper person from instituting any appropriate action or proceedings to require compliance with the provisions of this chapter and with administrative orders and determinations made hereunder.

(b) Any violation of any provision of these regulations or any other ordinance establishing rules and regulations governing plats and subdivisions of land outside of the corporate limits of the city, but within its extraterritorial jurisdiction:

(1) Shall be reported to the city council for whatever action the council may deem proper, and the city attorney shall, when so directed, institute an action in the district court to enjoin the violation of any provision of these regulations or other ordinance in the extraterritorial jurisdiction.

(2) Shall not constitute a misdemeanor under such ordinance nor shall any fine provided for in such ordinance be applicable to a violation within the extraterritorial jurisdiction.

Sec. 35-1024. Penalties.

(a) The penalty for violation of any section or other part of Articles I, II, and IV of this chapter is hereby established so that the minimum fine shall be twenty-five dollars (\$25.00) and the maximum fine shall be one thousand dollars (\$1,000.00). Each day a violation is permitted to exist shall constitute a separate offense.

(b) The penalty for violation of any section or other part of Article III of this chapter is hereby established so that the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall be one thousand dollars (\$1,000.00), provided, however, in the event a defendant has once previously been convicted under Article III, the defendant shall be fined an amount no less than two hundred dollars (\$200.00) and shall be fined so less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense.

Sec. 35-1025. Remedies.

(a) Offenses and liabilities preserved. All offenses committed and all liabilities incurred prior to the effective date of this chapter shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purposes of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities.

(b) Effect of other ordinances and regulations. Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are established by the provisions of this chapter, the provisions of such other statute, ordinance or regulation shall govern.

(c) Effect of private covenants. Nothing herein contained shall be construed to render inoperative any restriction established by covenants running with the land.

Sec. 35-1026. Nuisances.

(a) Nothing in this chapter shall be construed as repealing any ordinance of the city regulating nuisances or permitting uses which were prohibited prior to the adoption of this chapter.

(b) The erection, threat of erection, construction or maintenance of any building or the use of any premises in violation of the provisions of this chapter shall be, and is hereby declared to be, a public nuisance when such threat, building or use of the premises constitutes a fire, health or traffic hazard or interferes with the reasonable peaceful enjoyment of their homes by citizens living in the vicinity of such buildings or premises.

(c) In addition to the other remedies provided for the enforcement of this chapter, the city council is authorized and empowered to hear and determine the facts in cases of alleged nuisances and where it finds that facts exist which constitute a nuisance as specified in subsection (b) above, the city council may order the cessation and abatement of such nuisance.

Division 3. Definitions

Sec.35-1041. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

Accessory use or building - a subordinate use or building customarily incident to and located on the same lot with the main use or building.

Adult bookstore - a business enterprise which has a substantial or significant portion of its stock in trade in, or which has as its main purpose the offering for sale of books, magazines, pamphlets, pictures, drawings, photographs, motion picture films or sound recordings, or printed, visual or audio material of any kind, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or a business establishment which offers for sale books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which entire business establishment, because of the depiction or description of specified anatomical areas or specified sexual activities in the materials offered for sale, is restricted to adults, or is advertised or promoted as being restricted to adults.

Adult entertainment establishment - a place of business where live entertainment is provided for patrons, or a portion of a business set aside for providing live entertainment to patrons, in which a significant portion of the entertainment is characterized by an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the exhibition of specified anatomical areas or specified sexual activities, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

Adult motion picture theater - a business place where motion pictures are shown to paying customers when such place is used for presenting material having as its dominant theme, or distinguished or characterized by, an emphasis on the depiction or description of specified anatomical areas or specified sexual activities for observation by patrons, and where admittance to such showings is totally limited to adults.

Airport - any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property thereto which is held or used for airport purposes.

Airport hazard - any structure or tree or use of land which

obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control of tracking and/or data acquisition in the handling, taking-off or flight at any airport, or at any installation or facility relating to flight and tracking and/or data acquisition of flight craft, hazardous, interfering with or obstructing such landing, taking-off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area - any area of land or water upon which an airport hazard might be established if not prevented as provided in this article, and, for the purposes hereof, is that area underlying or within the lateral limits of the imaginary surfaces which are within the controlled area of these regulations.

Airport hazard zoning maps - the set of seventeen (17) film positive overlay maps prepared by Henry Bain Engineers, Inc. These maps are intended to be used by being overlaid on the most current United States Geological Survey topographic maps of the seven and one half (7 1/2) minutes of latitude and longitude quadrangle series, 1:24,000 scale. The overlay maps are to be used with the following USGS quadrangle maps, which are identified on each of the overlay maps:

Sheet 1	Camp Bullis	Sheet 10	San Antonio West
Sheet 2	Bulverde	Sheet 11	San Antonio East
Sheet 3	Bat Cave	Sheet 12	Martinez
Sheet 4	Helotes	Sheet 13	Saint Hedwig
Sheet 5	Castle Hills	Sheet 14	Macdona
Sheet 6	Longhorn	Sheet 15	Terrell Wells
Sheet 7	Schertz	Sheet 16	Southton
Sheet 8	Marion	Sheet 17	Elmendorf
Sheet 9	Culebra		

The overlay maps are adopted and made a part of these regulations.

Alley - a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used for vehicular service access to the back or sides of properties otherwise abutting on a public street.

Alteration, as applied to a building or structure - a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Amusement and recreation uses - establishments primarily engaged in providing amusement or entertainment for a fee or admission charge. These include dance halls and party houses; studios; theaters and cinemas; musical entertainment; bowling alleys; billiards and polo establishments; race-tracks; sports arenas, rings, ballfields, and courts; swimming pools; carnivals and circuses; fairgrounds; stadiums; expositions and amusement parks; skating rinks; golf courses; horse shows; arenas, and stables; coin-operated devices and game parlors.

Antique - an object d'art or household furnishing which was not mass-produced, and was characteristic of a specific period in a specific country.

Apartment - See Dwelling, Multifamily

Apothecary - one who prepares and sells drugs and medicines; pharmacist.

Appeal - An appeal to the Board of Adjustment where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement in the Zoning Article of this Chapter.

Approach-departure path - a path for flight in a plane leading outward and upward from the end of the take-off and landing area, under which adequate areas should be located to permit a safe landing in the event of a malfunction.

Area of shallow flooding - means a designated AO, AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard - is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. (100 Year Frequency Flood) The area may be designated as Zone A on the Flood Hazard Boundary Map. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-99, VO, or VI-30.

Art gallery or museum - a corporation, organized for purposes of maintaining collection of books and art works bequeathed to it and maintaining public art gallery on premises devised to it.

Base flood - means the flood having a one percent chance of being equalled or exceeded in any given year. (100 Year Frequency Flood)

Bed and breakfast - A building other than a hotel where lodging for persons is provided for definite periods, usually overnight, for compensation pursuant to previous arrangements.

Boarding house - A building other than a hotel where lodging is provided for definite periods for compensation pursuant to previous arrangements.

Building - a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not permanent in nature.

Building Setback Line - See Setback line.

Bufferyard - a unit of yard together with enough planting to eliminate or minimize potential negative impacts such as dirt, litter, noise, glare of lights, signs and unsightly buildings between different land use intensity classes.

Business park - a planned development with a common theme and name intended to be used primarily for office, showroom, service, warehouse, and/or distribution purposes.

Business services - establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, and photo finishing.

Carport - space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

Car wash, automatic - a structure where chain 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.

Car wash, self service - a structure where washing, drying and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam-cleaning, or other mechanical devices.

Certificate of occupancy - a paper to be issued certifying that the premises complied with all the provisions of the ordinance.

Child day care center - a place where organized care is provided to seven (7) or more children not of the same household under fourteen (14) years of age for less than twenty-four (24) hours a day.

Clinic dental or medical - a building in which ten (10) or more physicians and/or dentists or their allied professional assistants carry on their profession; or a building which contains one (1) or more physicians, dentists and their assistants and a laboratory and/or an apothecary limits to the sale of pharmaceutical and medical supplies. A clinic shall not include in-patient care or operating rooms for major surgery.

Club - A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Clubhouse - A building or portion thereof, and related facilities used by a club, fraternal organization, or a membership organization.

Collector street, See Street, collector.

Common area - a parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including but not limited to areas for vehicular and pedestrian access and recreational facilities within the site.

Completely enclosed structure, See Structure, completely enclosed.

Contractor - any person undertaking or doing any work of constructing sidewalks, curbing or gutters.

Controlled area, airport- that area within which the provisions of these regulations are effective, and includes all airport hazard areas which are within the corporate limits of the city and the area outside the corporate limits of the city which is within a rectangle bounded by lines located one and five-tenths (1.5) statute miles, seven thousand nine hundred twenty (7900) feet from the center line, and lines located five (5) statute miles, twenty-five thousand four hundred (25,400) feet, from each end of the paved surfaces of each of the following runways: Runways 3/21, 12R30L and 12R/30L and 12L/30R at San Antonio International Airport; and Runways 9-27 and 14-32 at Stinson Municipal Airport.

Council - the city council of the City of San Antonio.

Crosswalk - that part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street (public, private or safety lane) measured from the curbs, in the absence of curbs from the edges of the traversable roadway. Also a crosswalk is any portion of a street (public, private or safety lane) at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the street surfaces.

Cultural facilities - establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of an historic, educational, or cultural interest.

Day care center, See Child day car center.

Detached structure - a structure having no party wall or common wall with another structure unless it is an accessory structure.

Developer - a person responsible for any undertaking that requires a zoning permit, special-use permit, conditional use permit, etc.

Developer customer - any applicant who requests sewer or water service for a lot or lots which have been or will be subdivided or platted.

Development - any man-made change to improved or unimproved real estate, including but not limited to, erecting buildings or other structures, mining, dredging, cutting and/or filling, grading,

paving, excavation or drilling operations, platting or replatting of subdivisions, creation or expansion of a mobile/manufactured home park or setting up a mobile/manufactured home or any change in use of a structure from non-residential to residential use.

Development plan - the proposal for development including such drawings, documents and other information necessary to illustrate completely the proposed development. The development plan shall specifically include such information as required by this chapter.

Disabled person - a person who has a physical or mental impairment, or both, that substantially limits one or more major life activities to include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

Driveway - that area not used for general circulation, providing access from a street to one (1) or more dwelling units.

Duplex, See Dwelling two family.

Dwelling one family - a single structure occupied exclusively but not more than one (1) family.

Dwelling one family attached - Two (2) or more dwelling units with common walls between the units.

Dwelling two family (duplex) - a detached house designed for and occupied exclusively as the residence of not more than two (2) 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 three family (triplex) - a detached house designed for and occupied exclusively as the residence of not more than three (3) families, each living as an independent housekeeping unit.

Dwelling four family (quadraplex) - a detached house with common walls between the units, designed for and occupied exclusively as the residence of not more than four (4) families, each living as an independent housekeeping unit.

Dwelling multifamily - a dwelling or group of dwellings on one (1) lot containing separate living units for five (5) or more families, but which may have joint services or facilities.

Dwelling single family, See Dwelling one family.

Dwelling small lot home - single family residential structure, which may be attached, situated on a lot that has a minimum size of four thousand two hundred (4,200) square feet.

Dwelling unit - one (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including

equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Easement - a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Easement, utility- an easement granted for installing and maintaining utilities, across, over or under land together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of utilities.

Easement, vehicular non-access- an easement established on a lot for the purpose of prohibiting ingress and egress to vehicular traffic.

Eminent domain - inherent sovereign power claimed by the legislature of a state, for controlling private property for public uses.

Emergency, utility related - a break or leak in an underground utility line or a disruption in a utility service.

Emergency vehicle - vehicle of the police or fire departments, ambulances, and vehicles conveying an airport official or airport employee in response to any emergency call.

Fabrication - manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to assembling, stamping, cutting or otherwise shaping the processed materials into useful objects.

Family - one or more persons occupying a dwelling living together as a separate housekeeping unit in one (1) or more rooms with complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Family Home - a community-based residential home operated by:
(a) The Texas Department of Mental Health and Mental Retardation;
(b) a community center organized under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203, Vernon's Texas Civil Statutes), which provides services to disabled persons;
(c) a non-profit corporation; or, (d) an entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program.

Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards

Flood insurance rate map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study - is the official report provided by the Federal Emergency Management Agency which contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary--Floodway Map.

Flood plain - all area of special flood hazard within the jurisdiction of the City of San Antonio and where applicable in its area of extraterritorial jurisdiction.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.

Floor area -

- (1) gross - the sum of the gross horizontal floor areas of the several floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be measured between the exterior faces of walls, including the walls of roofed porches having more than one (1) wall. The floor area of a building shall include the floor area of accessory buildings, on the same lot, measured in the same manner. Stair-wells and elevator shafts shall be excluded.
- (2) planned unit development - all indoor area except car storage, heating and/or cooling plants, or common use facilities.

Floor area ratio- the ratio of the total building floor area in square feet to the total land area in square feet.

Fraternal organization- a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

Garage, private - a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on, enclosed on all four (4) sides, and pierced only by windows and customary doors.

Half story - an upper most story usually lighted by dormer windows, in which a sloping roof replaces the upper part of the front wall.

Head shop - any retail establishment having a substantial or significant portion of its stock in trade in or which has as its main purpose the offering for sale paraphernalia or items designed or marketed for use with illegal or items designed

designed or marketed for use with illegal items designed or marketed for use with illegal cannabis or drugs.

Height, building - 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.

Height limit - the elevation in feet above mean sea level, the projection above which a proposed structure or tree would not be granted a permit under this chapter, except as otherwise provided in this chapter.

Heliport - that area used by helicopters or other steep gradient aircraft for take-offs and landings. Such area may include passenger, cargo, maintenance and overhaul facilities, plus fueling service, storage space, tie-down area, hangars and other accessory buildings and open spaces.

Helistop - That area used by helicopters or other steep gradient aircraft for the purpose of takeoffs and landings. Such area may be used for the pickup or discharge of passengers and cargo, storage space, and tie-down area, but shall not include maintenance, overhaul, or fueling services and facilities.

Highest adjacent grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation - an occupation that is not a principal use, carried on entirely within a home that is not detrimental or injurious to adjoining property.

Hospital - an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel - a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purpose by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Institution for children or the aged - an establishment providing residence and care for children or the aged.

Junk - any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or salvage yard - any premises where junk, articles or materials, including junked, wrecked or inoperable vehicles, which are ready for destruction or which have been collected are stored for salvage or conversion to some use.

Kennel - any lot or premises on which domestic or wild animals are kept, boarded or raised for sale.

Kindergarten - a system for the instruction of children of preschool age which by guiding their inclination to play into organized movement, and investing their games with an ethical and educational value, teaches, besides physical exercises, habits of discipline, self-control, harmonious action and purpose, together with some definite lesson of fact and the work contemplated is purely preliminary to and different in character from, the ordinary work of the public school.

Laboratory - a building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

Land use intensity (LUI) - the overall structural-mass and open-space relationship in a developed property. It correlates the amount of floor area, open space, livability space and recreation space of a property with the size of the site.

Livability space - all outdoor space other than roads, drives or parking. Recreation space where required may also be considered part of livability space.

Lot - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot, corner, - a lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

Lot depth - the mean horizontal distance between the front and rear lot lines.

Lot reversed corner, - a corner lot, the rear of which abuts upon the side of another lot whether across an alley or not.

Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

Maintenance easement - an easement granted by the owner of a lot adjacent to a zero lot line development, exclusively for the purpose of allowing the occupant of a residence on the lot line

purpose of allowing the occupant of a residence on the lot line access to the adjoining property in order to maintain that portion of his dwelling situated on the property line.

Major thoroughfare plan - that part of the master plan designating the location, dimensions, and dedication requirements of expressways, primary arterials and secondary arterials.

Manufactured home- a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision - a parcel (or contiguous parcels of land) divided into two or more manufactured home spaces or lots for rent or sale.

Manufacturing - operations required in the mechanical, biological, or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. The term manufacturing covers all mechanical, biological, or chemical transformations, whether the new product is finished or semi-finished as raw material is some other process.

Master plan - the comprehensive plan for the physical development of the city, as prescribed in section 121 of the city charter and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Membership organization- an organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

Miniwarehouse - a storage enterprise dealing with the reception of goods of residential or commercial orientation which lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

Mobile home- a vehicle or structure used, or so constructed as to permit it to be used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons. This definition shall include all portable contrivances used or intended used generally for living and sleeping quarters and which are capable of being moved by their own power, towed, or transported by another vehicle.

Mobile home park - any premises where one or more mobile homes are parked for living and sleeping purposes, or where they are connected to any utility, or any premises used or set apart for the purpose of supplying to the public parking space for one (1) or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Mobile home park plan - a complete and exact plan of the mobile home park submitted to the planning commission for final approval and which, if approved, will be submitted to the director of housing and inspections for filing.

Mobile home setback line - is the line within a mobile home site defining the minimum horizontal distance between a mobile home and the adjacent private street line.

Mobile home site - a plot of ground within a mobile home park which is designed for and designated as the location for only one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

Mobile home stand - that part of a mobile home site which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Motel - a building or group of detached, semi-detached or attached buildings on a lot containing guest dwellings each of which has a separate outside entrance leading directly to rooms for outside the building, with garage or parking space conveniently located with each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Nameplate - a sign not exceeding one (1) square foot in area indicating the name and/or address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Nonconforming structure - any existing structure which was erected according to all applicable city ordinances at the time, but which does not now comply with all the regulations applicable to the district in which the structure is located.

Nonconforming use - is the use of an existing property or structure after the effective date of this chapter, which does not comply with the use regulations applicable to the district in which the property is located.

Objet d'art - individual art pieces not mass-produced consisting of one (1) or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork; leather, wood, metal or glass.

Obstruction - any structure, growth or other object, including a mobile object, that exceeds a limiting height established by

federal regulations or by this chapter.

Office - a building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Off-site mains - sewer or water mains totally outside of a subdivision.

On-site mains - sewer or water mains totally within a subdivision, including mains lying along one (1) or more sides of a subdivision which serve such subdivision exclusively.

Open space (within a planned unit development) - all uncovered outdoor area including streets, parking, lawns, patios and recreation areas as well as usable roofs and uncovered balconies.

Outside storage - the keeping, in an unroofed area of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.

Parking structure, commercial - an area or structure area used exclusively for the temporary storage of motor vehicles.

Parkway - the portion of the street right-of-way between the edge of the curb, or the edge of the roadway where no curb exists, and the property line.

Parsonage or parish house - a residence for a minister, priest or rabbi in connection with the operation of a church.

Peripheral areas - an obstruction-free area encompassing all sides of the actual touchdown and operation areas of a heliport or helistop.

Personal services - establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as laundry cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry cleaning plants, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, hat cleaning, funeral services, reducing salons and health clubs, and clothing rental.

Physical or mental impairment - orthopedic, visual, speech, or hearing impairments, Alzheimer's Disease, Pre-sterile Dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

Planned residential development (PRD) - a tract of land under the control of a developer, developed in compliance with the performance standards set out in Article III of these regulations. A PRD is developed in one or more phases as a single, predominantly residential entity.

Planned unit development (PUD) - a tract land developed according to plan as a single entity, in compliance with the use, density, intensity and characteristics of Article III of these regulations.

Plant nursery - a minimum area of one (1) acre, without principal structures, where plants such as trees and shrubs are grown for stock, for budding and grafting purposes, for later transplanting, being limited to wholesale uses.

Plat- a complete and exact map representing a tract of land, showing the boundaries and location of individual properties and streets submitted to the planning commission for final approval and if approved, submitted to the county clerk for recording.

Private club - See Club.

Processing and warehousing - the storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

Public right-of-way - a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain or public utility line.

Quadraplex - See Dwelling four family.

Recreation facility, neighborhood - those recreational facilities operated on a non-profit basis to include a swimming pool, wading pool, tennis courts, badminton courts, play areas, clubhouse, all to be used exclusively by and for the benefit of dwelling owners, tenants and their guests in certain defined adjoining areas.

Recreation space - that portion of the livability space developed specifically for active or passive recreation and may include quiet sitting areas, formal and informal sports fields, tot lots, court games and outdoor pools. Any roofed structure which is essentially a common area may also be included, such as recreation buildings, indoor-outdoor pools, gazebos and pavilions.

Rehabilitation: The act or process of returning a structure to a state of utility through repair or alteration which makes possible an official contemporary use while preserving those portions or features of the structure that are significant to its historical, architectural and cultural values.

Retail trade - establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the

establishment buys and receives as well as sells merchandise; (3) the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.

Roadway paving width - the portion of a street available for vehicular traffic; where curbs are laid, the portion between the face of curbs.

Rooming house - See Boarding house.

Runway - a defined area on an airport prepared for landing and taking-off of aircraft along its length, and includes planned future paved runways and extensions of runways as shown on the official airport layout plan and on the airport hazard zoning maps of these regulations.

Safety lane - a designated area on an approved plat which has a primary purpose of providing access for safety vehicles.

San Antonio planning area - Bexar County and all land within the the city's extraterritorial jurisdiction outside of Bexar County.

Sanitary landfill - a controlled area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by an administrative agency of the State of Texas.

School - 1. an institution or place for instruction or education, such as kinder-garten, elementary, middle or junior high school, high school, college or university. 2. School, business or commercial trade - a business organized to operate for a profit, offering instruction and training in a trade, a service or art.

Servant's quarters - an accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by occupants of the principal residence.

Setback line - the line within a property defining the minimum horizontal distance between a structure and the adjacent property line.

Shop - a use devoted primarily to the sale of a service or a product or products.

Shopping mall - an integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall.

Sign - See Chapter 28, Signs and Billboards.

Single family residential development - a development consisting of a lot or lots, containing only one dwelling unit. The dwelling unit may be detached or attached, townhouse, small lot

home, manufactured home, or mobile home.

Single family dwelling, See Dwelling, one family.

Small lot home, See Dwelling, small lot home.

Solid waste - any garbage; refuse; sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities, but does not include: (1) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26 of the Texas Water Code; (2) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or (3) waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.

Solid waste facility - all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and consist of several processing, storage, or disposal operational units; e.g., one or more landfills; surface impoundments, or combinations of them.

Specified anatomical areas - any showing of either the adult or minor human male or female genitals, anus or pubic area with less than a full opaque covering, or the showing of the post-puberty female areola with less than a full opaque covering.

Specified sexual activities - acts of masturbation, sexual intercourse, homosexuality or lesbianism, sodomy, fellatio, sado-masochism, or physical contact with a person's own or another's specified anatomical areas.

Start of construction - the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Store - a use devoted exclusively to the retail sale of commodity or commodities.

Story - that part of a building between the surface of a floor and the ceiling immediately above.

Street -

- (1) generally-any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a

plat approved pursuant to law; or (b) is approved by other official action; and includes the land between the street lines, whether improved or unimproved.

- (2) arterial - a street use primarily for fast or heavy traffic and designated in the major thoroughfare plan as a primary arterial street, secondary arterial street or expressway.
- (3) collector - a street which provides some access to abutting property and collects traffic from local streets and connects with the major system of arterial streets and highways.
- (4) cul-de-sac - a street with a single common ingress and egress and with a turnaround at the end.
- (5) dead end - a street with a single common ingress and egress.
- (6) elbow - a turn in a minor street that includes extra pavement adequate for a turnaround.
- (7) eyebrow - a paved area placed along the linear portion of a street which allow both unimpeded through and turnaround traffic movements.
- (8) intersection - where two or more streets cross at grade.
- (9) local - a street designed to provide vehicular access to abutting property and to discourage through traffic.
- (10) local "Type A" - a street used for primary and secondary access to single-family detached residential units or duplex residential units where such residential units comprise seventy five (75) percent of the abutting street frontage on both sides of the street of a particular block.
- (11) local "Type B" - a street used for primary and secondary access to all residential areas except those specified to be served by a "type A" local street. Also, this street shall be used for secondary access and circulation to community facilities (schools, parks, etc.), and other traffic generators such as commercial and industrial areas.
- (12) marginal access - the type of street which is used to provide direct access to abutting properties and protection from through traffic.
- (13) private - any street not dedicated to the public and to be maintained by a private entity.
- (14) stub - a temporary portion of street not greater than one lot's length, allowed as a future connection to an adjacent subdivision or phase.

Structure - a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Subdivider - any person, or their agent, having an interest in land that is the subject of an application for subdivision.

Subdivision - the division of any tract of land situated within the city, or its extraterritorial jurisdiction, into two (2) or more parts, or the assembly of lots or portions of lots into a single lot, for the purpose of laying out any subdivision of any tract of land or any addition to any city or town, or for laying out suburban lots of building lots, or any lots and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes resubdivision and vacation and amending platting, and when appropriate to the contest, relates to the process of subdivision or to the land or area subdivided.

Substantial improvement - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred.

Tavern - any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption which may or may not include dancing.

Townhouse - a building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (to be 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.

Trailer camp or court - any premises where one (1) or more mobile homes or trailer coaches are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for one (1) or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as a part of the equipment of such mobile home residence park or trailer camp or court.

Triplex, See Dwelling three family.

Use - the purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Utility, private or public - any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with any general public service, including without limitation, sanitary sewer, gas, electricity, water, telephone, petroleum products, telegraph, heat, steam or

chilled water, rail transportation, cable television, or other similar service.

Utility infrastructure - the basic facilities, equipment and installations of the city's utility system, including water, sewer, electric, gas, telephone and cable television.

Variance

- (1) A request to the Planning Commission for permission to depart from the requirements of the subdivisions article of this chapter where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship.
- (2) An appeal to the Board of Adjustment in specific cases for permission to depart from the requirements of the zoning article of this chapter as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship.

Warehousing - See processing and warehousing.

Wheelchair ramp - a sloping concrete pad constructed at crosswalks to assist mobility-impaired citizens using the sidewalks and crosswalks.

Wholesale trade - establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard - an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

Zero lot line - the location of a building on a lot in such a manner that one (1) or more of the buildings sides rests directly on or immediately adjacent to the lot line.

ARTICLE II. PLANNING

Division 1. Master Plan Elements and Conformity

Sec. 35-2031. Authorization.

Master plan elements are authorized under Article IX of the City Charter, Section 121. The Master Plan: "The commission may adopt the master plan as a whole or in parts, and may adopt any amendments thereto." Currently adopted master plan elements include those listed below.

Sec. 35-2032. Basic Plan.

The Basic Plan was adopted by the planning commission as resolution number 80-07-01 on July 2, 1980 and by the city council as resolution number 80-44-70, on August 28, 1980. The Basic Plan states the goals of the city and certain guidelines for planning which establish a basis for the development of detailed plans with varying applicability.

Sec. 35-2033. Transportation Plan/Major Thoroughfare Plan.

The Transportation Plan/Major Thoroughfare Plan was adopted by resolution number 78-07-02 of the planning commission on July 12, 1978 and adopted as ordinance number 49818 by the city council on September 21, 1978. It contains the city's transportation policies and the areawide transportation planning process and how it relates to that of the city.

Sec. 35-2034. Land Use Plan.

The Land Use Plan was adopted by planning commission resolution number 83-05-04 on May 25, 1983 and by the city council on December 8, 1983, ordinance number 83-58-102. The Land Use Plan includes land use objectives and policies for six major components: natural resources; utility infrastructure; transportation corridors; urban form; regulatory measures; and annexation, public facilities and services.

Sec. 35-2035. Neighborhood Planning Process.

The Neighborhood Planning Process was adopted by the planning commission as resolution numbers 82-10-01 on October 20, 1982 and by city council ordinance number 57068 on June 2, 1983, for the purpose of providing a vehicle whereby neighborhood residents and property owners could organize to develop a neighborhood plan suitable for official recognition by the planning commission and the city council. Neighborhood planning teams can use this process to "... identify issues that will affect their neighborhood's future and select actions for solving (or ameliorating) problems."

Sec. 35-2036. Parks Plan.

Adopted by city council ordinance number 54605 on November 24, 1981, the Parks Plan was prepared as a joint effort between the department of parks and recreation and the department of planning. The Parks Plan is summarized by a single goal: "Every citizen of San Antonio should have the opportunity to avail themselves of quality parks and recreation facilities and services."

Sec. 35-2037. City Water Board Master Plan.

The waterworks master plan is the "Report on Master Plan for Water Works Improvements" dated September 1981 and subsequent revisions thereof. This adopted plan is implemented through the "Regulations for Water Service" adopted November 20, 1984 by the Board of Trustees, on June 12, 1985 by the city planning commission, and by ordinance number 60959 on June 27, 1985 by the city council.

Sec. 35-2038. Wastewater Facilities Plan.

The Wastewater Facilities Plan consists of sets of wastewater service policies and sewer extension policies. The SAWPAC report included policies which have been implemented; many have been written in the subdivision regulations.

Sec. 35-2051. Requirements for conformity with the master plan.

This section coordinates the various citations within the Unified Code of Development Regulations that refer to the master plan. It is anticipated that with additional reference to the city's master plan and requirements for conformity, the city will see a genuine effort toward implementation of the plan and its elements.

- (a) Preliminary overall area development plans (POADP) shall conform to the master plan.
- (b) Subdivisions shall conform to the master plan and the parts thereof.
- (c) The zoning regulations and districts as established in this chapter have been made in accordance with a comprehensive plan.
- (d) The zoning commission, in those instances wherein special approval of city council is required, shall consider each such proposed use and make its recommendations to the city council with reference thereto including its recommendation, among other things, as to proper location with respect to the master plan.

Division 2. Preliminary Overall Area Development Plans

Sec. 35-2071. Purpose.

The preliminary overall area development plan (POADP) is a mechanism which enables city and developer collaboration to enhance planning and timeliness of plat processing and review. The POADP is intended to be a flexible plan which is an overview of a subdivider's projected land development. In this context, the POADP will be used to determine if the proposed development is in compliance with current regulations and the city master plan, and to ensure adequate traffic circulation within the property to be developed as well as to and from adjoining properties. The POADP will also serve as a source of information for the city to be used in its planning activities.

Sec. 35-2072. Scope.

The POADP shall be required in all instances when a tract of land within the city or its extraterritorial jurisdiction is platted or intended to be platted into two (2) or more units. In lieu of a POADP, the applicant may submit a planned residential development plan or a preliminary PUD plan which includes all of the area to be platted into two (2) or more units.

Sec. 35-2073. Filing.

Six (6) prints of the POADP shall be filed with the planning department for review by city agencies and departments at the earliest possible date but no later than the application date for the letters of certification required by Article IV. Within twenty (20) work days of submittal, the director of planning shall provide a written response indicating whether or not the POADP complies with current regulations, the city master plan, and parts thereof. If the POADP is not in compliance, the applicant may work with staff to reach a mutually satisfactory resolution or appeal to the planning commission for a final decision.

Sec. 35-2074. Review and acknowledgment.

No plat shall be considered filed until review and acceptance of the POADP is completed.

Sec. 35-2075. Information required.

The POADP, as a minimum, shall include the following information:

- (a) Perimeter property lines.
- (b) Name of the plan and the subdivisions.
- (c) Scale of map.
- (d) Proposed land uses by location, type, and acreage.

- (e) Existing and proposed circulation system of collector, arterial, and local type B streets (clearly identified), and their relationship to any adjacent major thoroughfares; and any proposed alternative pedestrian circulation system.
- (f) Contour lines at intervals no greater than ten (10) feet.
- (g) Ownership from title and/or city or county records for adjacent properties and, if known, proposed development of such land.
- (h) Existing adjacent or perimeter streets (including right-of-way widths), intersections, and developments.
- (i) One hundred (100) year flood plain limits as identified from the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency for the City of San Antonio and/or the applicable county.
- (j) Location map indicating the location and distance of the FOADP in relation to adjacent streets and at least two (2) major thoroughfares.
- (k) Name and address of the developer.

Sec. 35-2076. Terms of validity.

The FOADP shall be maintained in the permanent files of the director of planning and shall be conformed to in processing subsequent unit plats. The FOADP shall remain valid until all units contained in the FOADP are completed or upon receipt of a proposal to modify the FOADP filed by the developer. The FOADP shall become invalid if a plat is not filed within eighteen (18) months from the date the FOADP is accepted.

Sec. 35-2077. Revisions.

Revisions to a FOADP may be made at any time by submission of a new FOADP to the director of planning. Within fifteen (15) working days after filing of the proposed revisions, the director of planning shall provide a written response indicating whether or not the revised FOADP has been accepted.

Sec. 35-2078. Vested rights.

No person shall acquire vested rights under the provisions of this division.

Division 3. Municipal Utility District Policy

Sec. 35-2081. Purpose.

The stated policy of the City of San Antonio as contained in Resolution No. 86-29-83, passed by the city council on June 26, 1986, is to discourage the formation of municipal utility districts or other special districts. It is prudent for the city to consent to the creation of such districts under certain circumstances. The city's goal is to limit the extent of its financial liability in all such cases.

Sec. 35-2082. Guidelines.

- (a) The city manager and the city staff are hereby authorized to enter into negotiations for consent agreements with the promoters of proposed districts when such consent is in the city's best interests. The city council hereby adopts the following guidelines and negotiation goals for developing such agreements.
 - (1) Developer shall secure the wastewater discharge permit.
 - (2) Developer shall establish costs for a state approved municipal water system.
 - (3) A limit shall be set on the dollar amount of the bonds issued.
 - (4) Developer's contribution shall be increased beyond the 30% set in the Texas code.
 - (5) A time limit shall be set on debt retirement.
 - (6) Proceeds from bond sales are to be used only for water and sewer facilities.
 - (7) An ex-officio member of the municipal utility district board of directors is to be appointed by city council.
 - (8) Thirty (30) days notice of proposed bond issue (sale) must be given to the city clerk.
 - (9) A copy of the municipal utility district's annual report to the Texas Water Commission must be given to the city clerk.
 - (10) The municipal utility district shall not provide water or wastewater service to any tract unless the planning commission has approved a plat for that tract and the plat has been recorded in the county deed records.
 - (11) The municipal utility district shall not provide services outside its boundaries unless specifically approved by city council.
 - (12) No land may be annexed into a district without city council approval.

- (13) All right-of-way, public park land, utility and drainage easements must be dedicated to the district.
- (14) All development and public improvements within the district must conform to city codes and regulations; all plans and construction for public improvement projects must be approved by city inspectors.
- (15) Developer must run a financial feasibility analysis on the city model.
- (16) A limit shall be established on the amount allowed for a professional services contract.

(b) These negotiation goals are not meant to be all-inclusive and staff may amend as necessary in the city's best interests.

Division 4. Annexation Policies

Sec. 35-2101. Purpose.

The city has foreseen the need to address the issue of annexation in the context of the city's land development and growth policies. The annexation policies adopted by the city council in Ordinance No.49757 on August 31, 1978, are to be used as guidelines in developing an annexation plan for the City of San Antonio. Such annexation plan shall be developed by the planning commission and submitted after hearing to the city council for review and adoption. In conjunction with developing the annexation plan, the planning commission shall periodically review the annexation policies to determine whether it is appropriate or necessary to amend any of the policies and so recommend to the city council.

Sec. 35-2102. Policies.

(a) Actively plan and promote such legislation at each session of the State Legislature that would enhance San Antonio's future and make every effort to prevent such legislation that would be detrimental to San Antonio's future interests.

(b) Cost-revenue analysis should be instituted to determine the relative cost and benefit to the municipality of a given area considered for annexation.

(c) San Antonio should develop and maintain a systematic plan for delivering city services to those areas which seem to be prospective annexation areas. At the same time the city must provide for a systematic method for delivery of services to areas already incorporated.

(d) San Antonio will embark on a program to deliver services to all previously annexed areas; but on occasion, annexation of an area may be warranted even though the city has not completed the program of delivering services within the existing incorporated limits.

(e) San Antonio should thoroughly investigate and delineate what authority it presently has relative to ensuring quality development within the city's extraterritorial jurisdiction and such authority should be vigorously enforced.

(f) San Antonio will consider the desirability of such annexation as may be required to discourage the creation or expansion of additional governmental entities and to encourage the consolidation of governmental functions.

(g) San Antonio will keep its growth options open during the next twenty (20) years and will strive to protect and enhance those options.

(h) San Antonio will evaluate all actions relative to annexation of land area to assure that such action does not deprive any person of the right to exercise civil or human rights.

(i) Use of annexation to protect or improve environmental factors affecting the citizens of San Antonio may sometimes be necessary, but should be used only after fully weighing the legal and/or administrative advantages and disadvantages.

(j) Analyze San Antonio's regulatory authority in its extraterritorial jurisdiction as per present enabling legislation and promote those changes which would allow the city to extend its full regulatory authority to its extraterritorial jurisdiction.

(k) Develop and maintain a five-year annexation plan by systematically relating these policies to developing trends and through an annual and routine mechanism, recommend areas for annexation if such annexation is in the best interest of San Antonio.

(l) San Antonio will use its authorized 10% or 30% accumulated reservior for expanding its incorporated limits when circumstances warrant strategic annexation action (e.g., achieving desired land use, extending the city's extraterritorial jurisdiction regulatory powers to assure maintenance of quality growth, being able to provide municipal services, etc.)

(m) San Antonio should establish and maintain the managerial and supportive services necessary for ensuring that annexation goals and policies receive just consideration and weight in the city's decision-making process.

(n) City should consider annexing undeveloped and partially developed areas facing the prospect of development as one means of effectively controlling the quality of growth.

(o) San Antonio will, as per the provisions concerning extraterritorial jurisdiction in the Municipal Annexation Act:

- (1) Pursue a more aggressive policy towards resolving current overlapping extraterritorial jurisdictions (jurisdiction claimed by two or more cities over the same area) and preventing similar situations in the future. The initial attempts to resolve such situations should be through mutual consent of the cities involved. If after reasonable time, the attempt at mutual consent fails, then San Antonio should take the matter to the district court and present its case as strongly and forcefully as possible.
- (2) Honor and respect the extraterritorial jurisdiction of other municipalities obtained through mutually acceptable ordinance agreements and/or court verdicts.

ARTICLE III. ZONING

Division 1. General

Sec. 35-3001. Prohibitions.

(a) Limitations on all land and structures. No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied except in conformity with all regulations herein established and upon performance of all conditions herein set forth.

(b) Limitations on sales and rentals of all land and structures. No person, firm or corporation and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

Sec. 35-3002. Prohibition of more than one building per lot.

Every building hereafter erected shall be located on a lot except as permitted in planned unit development (PUD) and planned residential development (PRD) districts. In A, R-1, R-5, R-6, and R-7 single family residential districts and in R-A residential agricultural districts, no more than one (1) building may be erected on one (1) lot except as otherwise permitted in this chapter.

Sec. 35-3003. Building permit required.

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the director of building inspections. All applications for such permits shall be in accordance with the requirements of this chapter, and, unless upon written order of the board of adjustment, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this chapter.

Sec. 35-3004. Certificates of occupancy.

(a) No land shall be occupied or used and no building, except single family dwellings, hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy as required by the Uniform Building Code shall have been issued by the director of building inspections, stating that the building or proposed use thereof complies with the provisions of this chapter and other applicable ordinances of the city.

(b) No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the director of building inspections.

(c) The director of building inspections shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

Sec. 35-3005. Reduction of lot size by governmental action.

Where the owner of a legally platted lot or his successor in title thereto has his lot reduced in size as a result of governmental action and thereafter does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single-family residence or other nonresidential uses permitted in the district in which the lot is located, provided that:

(a) In those cases where the lot area or mean lot width is reduced by governmental action not more than twenty (20) percent below the minimum specified in this chapter, the director of building inspections shall issue a building permit or certificate of occupancy.

(b) In those cases where a vacant lot area or mean lot width is reduced by governmental action by more than twenty (20) percent, the board of adjustment is authorized to approve as a building site by variance such dimension as shall conform as closely as possible to the required dimensions of this chapter provided that the combined area of the main building and its accessory buildings shall not cover more than forty (40) percent of the lot area remaining after governmental action.

(c) In those cases where a structure is located on a legally platted lot and the existing yards are reduced by governmental action below the dimensional requirements specified in this chapter, the director of building inspections shall issue a building permit or certificate of occupancy for alterations to and use of the existing structure if said structure and lot conformed to the required dimensional requirements prior to the lot reduction by governmental action.

Sec. 35-3006. Creation of districts.

(a) Zoning districts created prior to June 28, 1965.

(1) The original comprehensive zoning ordinance of the city and amendments thereto divided the municipality into the following twenty (20) districts:

- A Single-family district
- B Residence district.
- C Apartment district.
- D Apartment district.
- E Office district.

F Local retail district.
G Local retail district.
H Local retail district.
I Business district.
J Commercial district.
K Commercial district.
L First manufacturing district.
M Second manufacturing district.
GG Local retail district.
HH Local retail district.
II Business district.
JJ Commerical district.
KK Commercial district.
LL First manufacturing district.
MM Second manufacturing district.

- (2) All the restrictions in the double lettered districts remain as they are listed in their corresponding single letter districts, except that there shall be a twenty-five (25) foot front front yard setback.

(b) Zoning districts created since June 28, 1965.

The following additional zoning districts have been created since June 28, 1965:

RESIDENTIAL DISTRICTS

R-A Residence-Agriculture Districts.
R-1 Single-Family Residence Districts.
R-2 Two-Family Residence Districts.
R-2A Three and Four-Family Residence Districts.
R-3 Multiple Family Residence Districts.
R-4 Mobil Home Districts.
R-5 Single-Family Residence Districts.
R-6 Townhouse Residence Districts.
R-7 Small Lot Home Districts.

BUSINESS DISTRICTS

O-1 Office Districts.
B-1 Business Districts.
B-2 Business Districts.
B-2NA Business Districts, nonalcoholic sales.
B-3 Business Districts.
B-3NA Business Districts, nonalcoholic sales.
B-3R Restrictive Business Districts.
B-4 Central Area Districts.

INDUSTRY DISTRICTS

I-1 Light Industry Districts.
I-2 Heavy Industry Districts.

OVERLAY DISTRICTS

ERZD Edwards Recharge Zone District
P-1 Planned Unit Development Districts
RWOD River Walk Overlay District
MAO-1 Military Airport Overlay Zone 1
MAO-2 Military Airport Overlay Zone 2
H Historic Districts

PERFORMANCE DISTRICTS

PRD Plannned Residential Development Districts
BP Business Park Districts

Sec. 35-3007. Location of districts.

(a) Official map. The maps delineating the boundaries of the various zoning districts together with all matters and things shown on such maps are adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official zoning map. These maps are on file in the office of the director of planning, and such zoning maps and all notations, references and other information shown on such zoning maps are as much a part of this chapter as if the matters and information set forth by such maps were all fully described herein.

(b) Amendments to the official map. All amendments to the official map shall be listed in the order adopted in a separate register maintained in and kept current by the department of planning.

Sec. 35-3008. District regulations to be uniform.

The regulations herein established shall apply uniformly to all geographical areas having the same district classification and bearing the same symbol or designation on the official map.

Sec. 35-3009. Zoning verification fee.

Written verification of the zoning classification of any property may be received from the department of planning upon payment of the zoning verification fee specified in Exhibit C.

Sec. 35-3010. Zoning district boundaries.

When definite distances in feet are not shown on the zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following the right-of-way or center lines of streets, highways, or alleys shall be construed to follow such right-of-way or center lines;

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(c) Boundaries indicated as approximately following city limits shall be construed as following city limits;

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(e) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

(f) Whenever any street, alley or other public way not subject to zoning regulations is vacated by official action of the city council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation, and all area so involved shall then and henceforth be subject to all regulations of the extended districts;

(g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by subsections (a) through (f) above, the zoning board of adjustment shall interpret the district boundaries.

Sec. 35-3011. Newly annexed territory.

(a) Temporary zoning. With the exception of those areas for which a planned residential development plan has been approved by the zoning commission, all territory hereafter annexed to the city shall be classified as temporary R-1 single-family residence district, in which only the uses permitted in permanent R-1 shall be allowed. Areas with an approved development plan shall be classified as temporary PRD, planned residential development, in which the uses designated in the PRD development plan shall be allowed. The zoning commission shall, as soon as practicable after annexation of any territory to the city, institute proceedings on its own motion to give such newly annexed territory appropriate zoning classifications in harmony with the spirit of this chapter according to the rules and regulations established herein for changes in zoning classifications including all public hearings required in this chapter.

(b) Zoning in conjunction with annexation proceedings. The owner, or owners of property being annexed to the city, may apply for zoning of said property on or after the date on which the city council institutes annexation proceedings as referred to in Vernon's Ann. Civ. St. art. 970a, Sec. 6, ("first reading" ordinance, Sec. 3, Par. 2 of the City Charter). In connection with such proceedings, the provisions of the state enabling legislation (Vernon's Ann. Civ. St. art. 1011a through art. 1011j) and of this chapter concerning notice to adjacent property

owners and by publication, public hearing or hearings and recommendation by the zoning commission shall be followed, and further, notice shall be mailed to those property owners, both inside and outside the corporate limits of the city, whose property is within two hundred (200) feet of the area in question.

Division 2. Zoning Procedures

Sec. 35-3021. The zoning commission.

(a) Established, composition. Pursuant to Vernon's Ann. Civ. St. art. 1011f, the zoning commission is established, consisting of eleven (11) members appointed by the city council.

(b) Terms of members. The eleven (11) members of the zoning commission shall serve for overlapping two-year terms.

(c) Chairman. The zoning commission shall elect a chairman and a vice-chairman from its own membership who shall serve for one-year terms, but no person shall serve as chairman for more than two (2) successive years. The commission shall meet at least once a week.

(d) Presiding officer. The chairman shall preside over meetings of the commission. The vice-chairman shall preside in the absence of or at the request of the chairman. An additional presiding officer pro tem may be selected by the commission members to preside over meetings in absence of both the chairman and the vice-chairman.

(e) Quorum; majority vote. A quorum shall consist of six (6) members of the commission. No final action shall be taken on any matter except pursuant to a majority vote. In no case shall less than six (6) votes constitute a majority vote.

(f) Meetings. Regular meetings shall be held each Tuesday at 2:00 p.m. at city hall in the city, and notice of each meeting shall be given in accordance with the Texas Open Meetings Law. Special meetings may be called by the chairman, provided that written notice thereof is mailed to each member at least forty-eight (48) hours prior to the time thereof. No approval or disapproval of any zoning application shall be given except at regular meetings, and none shall be given or taken on other matters except at regular or special meetings as provided herein. All meetings of the commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be published in the official city newspaper one (1) time at least ten (10) days prior to the effective date.

(g) Motions. Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members, or by opponents or proponents, of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.

(h) Procedure. Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision, which may be done only by a majority vote of the members present.

(i) Voting. Voting on zoning applications shall be called by roll call vote. Voting on all other matters may be by voice vote, provided that roll call vote shall be taken upon demand of any member.

j) Conflict of interest. A member shall not vote or participate as a member in any matter before the commission if the member has any interest in this matter, whether such interest is direct or indirect, financial or otherwise. In any case, where the question of a member's interest is raised, the chairman shall rule on whether the member should be disqualified.

(k) Recommendations. The commission shall take no final action on any matter before it without first obtaining a recommendation from the director of planning and reports from the other city departments concerned, as determined by the commission.

(l) Publicity. Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer.

(m) Robert's Rules of Order. Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable.

Sec. 35-3022. Duties of the zoning commission.

The duties of the zoning commission are as follow:

(a) To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein.

(b) To hold public hearings and prepare a final report for the city council on recommendations for change in zoning district boundaries or regulations in zoning districts.

(c) To perform such other functions as are necessary or required by state law or city ordinance.

Sec. 35-3023. Powers of the city council.

Pursuant to the provisions of Vernon's Ann. Civ. St. art. 1011d, the city council may amend, supplement or change zoning districts or boundaries.

the chapter in those specific instances when required by this chapter.

(c) To authorize upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

Sec. 35-3038. Compensation of members.

Each member of the board of adjustment of the city shall receive as compensation for this service, the sum of twenty dollars (\$20.00) for each regular meeting of the board attended by such member, provided such compensation shall not exceed one thousand and forty dollars (\$1,040.00) for any one (1) member during any one (1) year.

Sec. 35-3039. Notice of hearings.

Public notice of hearings before the board of adjustment shall be given for each separate appeal thereto by publication one (1) time in a paper of general circulation in the city, stating the time and place of such hearing which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, the board of adjustment shall mail notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

Sec. 35-3040. Powers strictly construed.

Nothing herein contained shall be construed to empower the board of adjustment to change the terms of this article, to effect changes in the official map or to add to the specific uses permitted in any district. The powers of the board shall be so construed that this article and the official map are strictly enforced.

Sec. 35-3041. Findings of fact.

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

Sec. 35-3042. Appeals from administrative office to board; vote necessary to act.

In exercising the powers stated in section 35-3037, the board may, in conformity with the provision of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Provided, however, the concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

Sec. 35-3024. Procedure for zoning changes.

(a) Before the zoning commission:

- (1) Filing. All petitions, applications, recommendations or proposals for changes in the zoning district classification of property or for changes in the textual provision of this chapter shall be filed with the zoning commission.
- (2) Fees. When an application is filed for a change of zoning district boundaries or for any change of the zoning ordinance or classifications, such application shall be accompanied by the filing fee specified in Exhibit C prior to consideration of the application by the zoning commission. A second fee in the same amount shall be required prior to consideration of the application by the city council. No notice of any such application shall be issued and no hearing shall be held before the zoning commission or the city council until the required filing fees are paid.
- (3) Prerequisites.
 - a. No application for the rezoning of any property situated within the city shall be received, filed with the zoning commission, or considered, unless the person or persons making such application have permission in writing, signed by the owner or owners of record of the property proposed to be considered for rezoning for the filing of such an application. Such written permission must accompany any such application for rezoning.
 - b. The above notwithstanding , the city may initiate zoning change proceedings on any property within the city at any time.
 - c. No application for the zoning of any lot or lots or block of land situated in the city shall be received or filed with the zoning commission of the city and no hearing had thereon, if within six (6) months prior thereto an application was received or filed and withdrawn before a full, fair and complete and final hearing was had on the rezoning of such lot, lots or block of land before the zoning commission; provided, however, if new relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect; then in that

sworn affidavit to that effect; then in that event, the zoning commission shall have the right to hear and consider such application.

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

(4) Recommendations. The zoning commission shall hold a public hearing on all proposed changes before submitting its recommendation to the city council.

(5) Public hearings. The director of planning shall provide notice of all public hearings on proposed changes in zoning classification to the owners of real property lying within two hundred (200) feet of the property for which the change in classification is proposed. Such notice shall be served by depositing the notice, properly addressed and postage paid, in a city post office not less than ten (10) days to the scheduled date of the public hearing to all owners who have rendered their property for city taxes on the last approved city tax roll. Notice of such hearings shall also be published at least ten (10) days in advance of the hearing in an official newspaper or a newspaper of general circulation in Bexar County.

(6) Postponement of hearing. Should an applicant request that a zoning hearing be postponed after notice thereof has been given, the hearing will not be rescheduled until the applicant pays the postponement request fee specified in Exhibit C.

(b) Before the city council.

(1) Council action. After the final report is submitted by the zoning commission as provided in subsection (a) above, the city council shall act upon said report after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

(2) Notice. At least fifteen (15) days notice of the public hearing before the city council, giving notice of the time and place of such hearing, shall be published in an official paper or a paper of general circulation in the city.

- (3) Passage when protested.
- a. If there is a protest against any change in the reclassification of the zoning district of any property signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change or of the lots immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.
 - b. Any property owner who wishes the matter to be submitted to the city council for its decision, where the zoning commission has disapproved the requested change in zoning, shall make such demand in writing to the director of planning within thirty (30) days of said disapproval by the zoning commission. Such matter shall be considered by the council at the first practical date after receipt of such demand.
- (4) Time limitation. All applications for rezoning which have been considered by the zoning commission shall be presented by the applicant to the city council within eight (8) months from the date of its consideration. The application shall be accompanied by the filing fee specified in Exhibit C. In the event the applicant fails to present the application for rezoning to the city council within the prescribed eight (8) month period, the application shall be treated as an original application for rezoning and shall be resubmitted to the zoning commission for consideration. All fees required by this code shall be paid by the applicant.

Division 3. Board of Adjustment

Subdivision A. Administrative.

Sec. 35-3031. Creation of board of adjustment.

There is hereby created a board of adjustment consisting of five (5) members and four (4) alternate members to be appointed by the city council. Said board shall have all powers vested by Vernon's Ann. Civ. St. art. 1011g.

Sec. 35-3032. Terms, removal of members.

All members of the board shall be appointed for a term of two (2) years and shall be removable for cause by the city council upon written charges and after public hearing.

Sec. 35-3033. Vacancies.

Vacancies in the regular or alternate membership of the board of adjustment shall be filled by the city council for the unexpired term of vacancy.

Sec. 35-3034. Minimum of four members at hearings.

The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the director of building inspections so that all cases heard by the board of adjustment will always be heard by a minimum of four (4) members.

Sec. 35-3035. Minutes, records.

The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

Sec. 35-3036. Meetings.

The board may have weekly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public.

Sec. 35-3037. Powers of board.

The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.

(b) To hear and decide special exceptions to the terms of

Subdivision B. Exceptions.

Sec. 35-3043. Power to make exceptions.

(a) The zoning board of adjustment may make special exceptions to the terms of this chapter only as provided in section 35-3044; however, the board shall not grant a special exception unless it makes specific findings that:

- (1) The exception will be in harmony with the spirit and purposes of this chapter.
- (2) The public welfare and convenience will be substantially served.
- (3) The neighboring property will not be substantially injured by such proposed use.
- (4) The exception will not alter the essential character of the district and location in which the property for which the exception is sought.
- (5) The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

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

Sec. 35-3044. Authorized exceptions.

Special exceptions can be granted only for the following uses and subject to the following conditions, and the granting of such special exceptions may be revoked if these conditions are not maintained at all times.

(a) Parking lots for the noncommercial parking of private noncommercial motor vehicles of customers or employees may be permitted in any district, other than the singlefamily district, established by this chapter subject to the following limitations, conditions, and restrictions.

- (1) That the property is properly platted in accordance with the city subdivision regulations.
- (2) The lot shall be smoothly graded, adequately drained, paved with asphalt or concrete, and such pavement shall be kept in good repair and shall be kept free from the accumulation of refuse, debris or litter.
- (3) The lot shall be marked so as to designate the parking of vehicles thereon. Parking spaces of not less than one hundred eighty (180) square feet, exclusive of driveways, shall be provided for the parking of each motor vehicle.
- (4) The lot shall not be used for automobile repair work or servicing of any kind or for the sale, display, or demonstration of merchandise or servicing of any kind or for the dead storage of motor vehicles either by elevating such motor vehicles above ground or placing a "for sale" sign on such motor vehicle or vehicles. No advertising sign is to be located on the lot other than signs stating that it is a parking lot of the owner or lessee and giving parking or traffic instructions in letters not more than six (6) inches high.
- (5) By means of a barrier or barriers, all parking shall be kept back of the building setback line of the residence or apartment district in which the parking district is established unless otherwise specifically authorized by the board of adjustment.
- (6) The entrances to and exits from and onto the streets of the city shall be designed and constructed to achieve maximum traffic safety and assure minimum interference with on-street traffic as determined by traffic engineering surveys.
- (7) The lot shall not be used after seven o'clock p.m. unless the lot shall be properly and adequately lighted, but the standards to which the lights are

height, and the direct rays of any lighting shall be confined within the boundary lines of the lot used for parking. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry after such hours as the facility served shall be closed.

- (8) The lot shall be provided with a masonry wall or other adequate screening not less than four (4) feet nor more than six (6) feet in height at all lot lines fronting upon, abutting, or adjoining a residential district. Provided, however, that if said masonry wall or screening is more desirable for the protection of abutting neighborhood at points other than on lot lines, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line. The screening or masonry wall provided for herein shall in all cases surround the parking authorized under the provisions hereof. 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 aboveground at all such walls or screening to prevent vehicles from making contact with said walls or screening.
- (9) Application for the use of a lot for the parking of motor vehicles shall be filed by the owner or lessee thereof with the secretary of the board of adjustment, and such application shall be accompanied by plans showing the parking layout.
- (10) Prior to actual use of any premises for a parking area, a certificate of occupancy shall be obtained from the director of building inspections to indicate that compliance with the standards of this article has been effected.
- (11) The lot shall conform to such other conditions as the board may deem necessary to protect the character of the district in which the lot is located.
- (12) Such noncommercial parking lots may be permitted in "R-1" Residential Districts for churches only.

(b) Relocation of any buildings and structures, subject to the following conditions:

- (1) Each house must be comparable in size, in quality of construction and in condition to the average of other houses in the area.

- (2) The applicant will comply with Chapter 6, Art. VII of this Code and with other applicable codes and ordinances.
- (3) The use will conform to such other conditions as the board may deem proper in harmony with section 35-3043 hereof.
- (4) Permits may be granted under this subsection for buildings which the city's fine arts 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 exceptions shall contain appropriate conditions as to repairs to be made. Provisions of other codes of the city or of other chapters of this Code shall not be waived.

(c) Beauty shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions and restrictions:

- (1) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the beauty shop is to be located shall be submitted.
- (2) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the beauty shop shall be permitted.
- (3) Signs advertising the beauty shop are not permitted, but a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure.
- (4) The beauty shop shall be located within the main structure on the lot and shall not utilize more than twenty-five (25) percent of the gross floor area of the first floor. In the case of a beauty shop in a duplex, the twenty-five (25) percent gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a beauty shop in an apartment unit the board shall determine the area to be used for said operation.
- (5) The beauty shop shall be limited to a one (1) operator shop.
- (6) No person not residing on the premises may be employed in the operation of the beauty shop.
- (7) Hours of operation shall be regulated by the board

and shall be specified in the minutes of the case.

- (8) That such use will not be contrary to the public interest.
- (9) Granting of the permit for a beauty conjunction with a residential use is to be for a definite period of time not to exceed two (2) years, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment.

Subdivision C. Variances.

Sec. 35-3045. Power of board to grant variances.

Variances to the terms of this chapter may be granted by the board where a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted on property that is not properly platted shall be subject to the condition that platting shall be accomplished prior to the variance taking effect. In addition no variance can be granted unless:

- (a) Such variance will not be contrary to public interest.
- (b) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- (c) Such variance will not substantially or permanently injure the appropriate use of adjacent conformity property in the same district.
- (d) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
- (e) Such variance will be in harmony with the spirit and purposes of this chapter.
- (f) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
- (g) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district.
- (h) The variance will not adversely affect the public health, safety or welfare of the public.

Sec. 35-3046. Time limitation for variances.

(a) Where a variance is granted by the board and no building is started pursuant to such variance within six (6) months after the date of the hearing thereon, the variance becomes null and void and of no force or effect.

(b) It is further provided that the following time limitations shall be imposed so that no application for a variance shall be received or filed with the board of adjustment:

- (1) If within the previous twelve (12) months an application for a variance or exception was

received, considered and denied the same lot, lots or blocks of land.

- (2) If within the previous six-month period an application for a variance or exception was withdrawn from consideration by the applicant or his representative before the board of adjustment.

(c) The aforementioned time limitations may be waived if new substantial evidence is presented to the board of adjustment and only after receiving four (4) affirmative votes shall the time limitation be waived. If granted, a new application shall be filed in the office of the director of building inspections following the procedures outlined in section 35-3039, "Notice of Hearings."

(d) Should the board of adjustment postpone a case at the request of the applicant, after notice thereof has been given, the hearing will not be rescheduled until a postponement fee as specified in Exhibit C has been paid by the applicant.

Sec. 35-3047. Time limitation for appeals to board.

Appeals to the zoning board of adjustment from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty (30) days after such order, requirement, decision or determination by filing with the director of building inspections and with the board of adjustment a notice of appeal.

Sec. 35-3048. Procedure for appeals.

(a) Any person aggrieved or affected may appeal to the board of adjustment from any order, requirement or decision of and administrative official of the city in the enforcement of this chapter or ordinances adopted pursuant thereto. Such appeal shall be taken by filing with the director of building inspections and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken and the payment of the variance fee specified in Exhibit C. Upon receipt of a notice of appeal, the director of building inspections shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

(b) In the event the zoning board of adjustment postpones a case at the applicant's request, after notices has been given; the hearing will not be rescheduled until the postponement fee specified in Exhibit C has been paid by the applicant.

Sec. 35-3049. Effect of appeal.

An appeal from an order of the director of building inspections to the board of adjustment shall stay all proceedings unless the director of building inspections certifies that, by reason of the facts stated in the certificate, a stay in his opinion would

cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction.

Sec. 35-3050. Recommendation from other public agencies.

The board of adjustment shall receive and consider recommendations from public and semipublic agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case.

Sec. 35-3063. Changing nonconforming uses.

(a) To a conforming use. Any nonconforming use may be changed to a use conforming with the regulations herein established for the district in which the nonconforming use is located; provided, however, that a nonconforming use so changed shall not thereafter be changed back to a nonconforming use.

(b) To another nonconforming use. The following, and no other, nonconforming uses may be changed to another nonconforming use as herein set forth; provided, however, that a nonconforming use changed to another nonconforming use, as provided, shall not thereafter be changed back to the former nonconforming use:

<u>Use permitted in:</u>	<u>Located in:</u>	<u>May be changed to use permitted in:</u>
R-1 or A residential district	Less restricted residential district	Any more restricted district established subsequent to June 28, 1965.
Any business or industrial district	Any residential district	B-1 or any residential district established subsequent to June 28, 1965.
B-2NA, B-3NA, B-3R, B-2, B-3 or B-4	Any residential district	B-2 district
Any business district	More restricted business district	Any business district more restricted than where located, established subsequent to June 28, 1965.
I-2 district	More restricted business district	I-1 district

(c) Limitations on changing nonconforming uses.

- (1) All changes of nonconforming uses hereunder shall be limited by and shall be in accordance with the regulations herein established for accessory uses, home occupations, permitted structures, permitted signs, offstreet parking requirements and off-street loading requirements.
- (2) No nonconforming use shall be changed to another nonconforming use which requires more off-street parking and loading space than the former nonconforming use unless additional adequate off-street and loading space is provided for the increment of the new nonconforming use as would be herein required if the increment were a separate use.

Division 4. Nonconforming Uses

Sec. 35-3061. Determination of nonconforming use.

A nonconforming use shall be any use which:

(a) On the effective date of the ordinance from which this chapter is derived was lawfully operated as a nonconforming use in accordance with the provisions of any prior zoning ordinances; or

(b) On or after effective date of the ordinance from which this chapter is derived was lawfully operated in accordance with the provisions of said ordinance but which use, by reason of amendment to said ordinance, is not a permitted use in the district in which the use is located; provided, however, that a permitted use, otherwise in accordance with the provisions of this chapter, shall not be deemed a nonconforming use for a failure to comply with the provisions of this chapter relating to permitted signs, yard requirements, off-street parking requirements, or off-street loading requirements.

Sec. 35-3062. Limitations on nonconforming uses.

(a) Nonconforming uses. The lawful use of land existing on June 28, 1965, although such use does not conform to the provisions of this chapter, may be continued, but if such nonconforming use is discontinued for twelve (12) months, any future use of such premises shall be in conformity with the provisions of this chapter.

(b) Continuance. The lawful use of any building existing on June 28, 1965, may be continued, although such use does not conform to the provisions of this chapter, and such use may be extended throughout the building, provided no structural alterations or additions to the structure, except those required by law or ordinance, are made thereto.

(c) Enlargement. A conforming structure in which a nonconforming use is operated shall not be enlarged or extended except as required by law or ordinance.

(d) Conditions. The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the zoning board of adjustment, be reasonably required for the protection of adjacent property.

- (3) No nonconforming use shall be changed to another nonconforming use unless the original nonconforming use was registered in conformance with section 35-3064, below.

Sec. 35-3064. Registration of nonconforming uses.

(a) Registration. The owner or owners of the land and/or structure or structures in which nonconforming use is located shall register such nonconforming use by filing with the department of building inspections a registration statement for such nonconforming use. Nonconforming uses and structures in newly annexed territory shall be registered within one (1) year of their annexation. Such registration may be made in behalf of such owner by any person, firm, corporation or other entity which has a legal or equitable interest in the designated land and structures. Registration statements shall require a disclosure of the complete ownership of the land and the structure or structures, if any, in which the nonconforming use is located, but otherwise may be in such form and require the furnishing of such information and representation as deemed appropriate by the director of the department of building inspections. At any time after registration, upon application to the department of building inspections and with the written consent of the owner or owners affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner or owners by whom filed, a copy thereof shall be lodged among the records of the department, and a copy of each original statement or such other statement giving notice thereof as the department shall deem appropriate shall be recorded by the department in the office of the city clerk. The department shall accept, lodge and record all tendered registration statements but the acceptance, lodging and recording of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this chapter.

(b) Exception. For the purpose of this section any fence of legal height and construction does not constitute a nonconforming use and does not require registration.

Sec. 35-3065. Termination of nonconforming use

(a) By abandonment. Abandonment of a nonconforming use shall terminate immediately the right to operate such use. Abandonment shall consist of the intent of the user of said nonconforming use to discontinue said operation coupled with an actual discontinuance of said use.

(b) By violation of chapter. The violation of this chapter shall terminate immediately the right to operate a nonconforming use.

(c) By specific acts of termination. Any one (1) of the following specific acts of termination shall terminate immediately the right to operate a nonconforming use:

- (1) Changing a nonconforming use to a conforming use;
- (2) Changing a nonconforming use to another nonconforming use as herein provided and authorized; provided, however, that the termination shall apply only to the nonconforming use existing prior to any change;
- (3) Non-operation or non-use of a nonconforming use for a period of twelve (12) or more successive calendar months;
- (4) Vacancy for a period of twelve (12) or more successive calendar months of the structure or that part of a structure occupied by a nonconforming use.

(d) By operation of law. The zoning board of adjustment may inquire into the existence of a nonconforming use, and after public hearing and investigation, require the discontinuance of such use. Time allowed for discontinuance of such use shall be prescribed by the board, based on the board's ruling as to a reasonable amortization period for the nonconforming structure and/or use. In making such determination the board shall consider traffic conditions created by the use, fire and/or health hazard and any other danger or nuisances to the public due to the structure or any condition or use existing on the property.

(e) By destruction or damage of structure.

- (1) The right to operate and maintain any nonconforming use, except a single family dwelling unit shall terminate and shall cease to exist whenever the structure or structures in which the nonconforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage or destruction.

- (2) A nonconforming single-family dwelling unit which is destroyed or damaged more than fifty (50) percent of the replacement cost may be rebuilt provided a building permit is issued within one year of the date of such damage or destruction. The Director of Building Inspections may require the submission of necessary evidence to verify the date of damage or destruction.

A nonconforming single-family dwelling unit which was destroyed or damaged more than fifty (50) percent of the replacement cost prior to the adoption of this ordinance may be rebuilt provided a building permit is issued within one year of the effective date of this ordinance, June 21, 1987. To obtain such a building permit, the applicant must present evidence as determined by the Director of Building Inspections to indicate the previous existence of a nonconforming single-family dwelling unit.

Sec. 35-3066. Nonconforming structures.

(a) Definition of nonconforming structure. A nonconforming structure shall be any existing structure on or after the date of this ordinance which does not comply with all the regulations applicable to the zoning district in which the structure is located.

(b) Continuance of nonconforming structures. Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.

(c) Enlargement. A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable city ordinances.

(d) Termination of nonconforming structures.

(1) Damage to structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage.

(2) Obsolescence of structure. The right to operate and maintain any nonconforming structure shall

terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the municipality and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the proper official of the municipality determines that such structure is obsolete or substandard.

- (3) Determination of replacement cost. In determining the replacement cost of any nonconforming structure there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.

Sec. 35-3067. Newly annexed territory.

Nonconforming rights may be granted to newly annexed areas in accordance with the following provisions and upon payment of the fees specified in Exhibit C. All applications for nonconforming rights must be filed within sixty (60) days of the effective date of annexation.

(a) Incomplete construction.

- (1) Construction may be completed on any structure legally under construction upon annexation provided:
 - a. The owner or his designated representative applies to the director of building inspections for a permit to authorize further work on the structure stating the proposed use of the structure and attaching thereto the plans and specifications relating to the construction and,
 - b. The construction is completed within two (2) years of the effective date of annexation.
- (2) Action on the permits shall be taken by the director of building inspections within fifteen (15) days from the date of application. The director shall deny the permit if he finds that the construction will not meet the requirements of the building, fire protection, or minimum housing codes and other applicable ordinances and codes of the city. If the permit is refused, the construction work shall cease until necessary corrections are made.

(b) Proposed construction.

- (1) Proposed construction may be completed upon a finding by the zoning commission that sufficient evidence exists that planning for the proposed use was in progress prior to annexation. As a minimum, the evidence shall include the following:
 - a. Site plan, including an 8 1/2" x 11" reduction of the plan on vellum or equivalent material.

The site plan shall indicate proposed and existing existing uses as well as the appropriate zoning designation which would be required.

- b. Evidence of financial commitment.
- c. Affidavit of ownership.
- d. Narrative explanation of the proposed project and its status.

- (2) To establish nonconforming rights, the owner or his designated representative must file three (3) copies of the required documents with the director of planning. Within fifteen (15) days from the date of such filing, the director shall present the evidence to the zoning commission for their determination. The applicant shall have six (6) months from the date of the zoning commission's favorable determination to secure all building permits. After that time, the nonconforming rights shall expire.

(c) Master plans.

- (1) Newly annexed areas may be entitled to nonconforming rights for a master plan upon favorable consideration by the zoning commission:
 - a. The owner or his designated representative must submit three (3) copies of the master plan to the director of planning.
 - b. The master plan shall indicate the proposed and existing uses of all land area thereon and the appropriate zoning designation which would be required.
 - c. The master plan shall be accompanied by an 8 1/2" x 11" reduction of the plan on vellum or equivalent material.
- (2) The zoning commission shall conduct a public hearing on the nonconforming rights master plan after giving notice to the owners of property within two hundred (200) feet in the manner provided in section 35-42(a)(5). The purpose of the public hearing shall be to ascertain (1) the extent to which development of the master plan had progressed prior to annexation and (2) the extent to which the master plan complies with the policies and objectives of the city's Land Use Plan.
- (3) If the zoning commission approves the master plan, construction in conformance with the plan must begin within one (1) year, with all portions of the plan either completed or under construction within five (5) years from the date of annexation. After that time, the nonconforming rights shall expire.

Division 5. Use Regulations for property zoned subsequent to June 28, 1965.

Subdivision A. Residential districts.

Sec. 35-3072. R-A residence-agriculture districts.

(a) These districts are composed mainly of unsubdivided lands that are vacant or in agricultural uses with some dwellings and some accessory uses.

(b) The regulations are designed to protect the essentially open rural character of the districts by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land.

(c) Plant nurseries are permitted within this district provided that they are a minimum of one (1) acre in size, no sales or advertising signs are on the property, accessory buildings do not exceed a total of six hundred (600) square feet, no accessory building is closer than fifty (50) feet to the front property line nor to any abutting residential zone, and there is no outside storage of equipment or other materials except live plant material.

Sec. 35-3073. R-1 single-family residence districts.

These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches and to preserve the openness of the area by requiring certain minimum yard and area standards be met.

Sec. 35-3074. R-2 two-family residence districts.

These districts are composed mainly of areas containing a mixture of single-family and two-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the area by prohibiting commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring certain minimum yard and area standards.

Sec. 35-3075. R-2A three- and four-family residence districts.

These districts are composed mainly of areas containing a possible mixture of one single-family, two-family, three-family and four-family dwellings, with these districts being intermediate in density characteristics between the R-2 two-family and the R-3 multiple-family residence districts. These districts, in older areas of the city, would permit a conversion of large homes into additional family dwellings. The district regulations are designed to protect the residential character of the area by prohibiting commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

Sec. 35-3076. R-3 multiple-family residence districts.

These districts are composed mainly of areas containing a mixture of single-family, two-family and multiple-family dwellings; in many of them there is evident a trend toward increased population density through conversion of large houses into apartments and through use of remaining vacant land for apartment buildings. The district regulations are designed to protect the residential character of the area by prohibiting commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

Sec. 35-3077. R-4 mobile home residence districts.

These districts are composed of areas suitable for mobile homes and compatible uses. The districts are intended to provide suitable locations for desirable mobile home sites while the district regulations are designed to provide adequate protection both for the mobile home sites and for the surrounding development. Article IV, this chapter, specifies development standards for mobile home parks.

Sec. 35-3078. R-5 single-family residence districts.

These districts are designed as a separate, single-family zoning district. The residential character is to be maintained in the R-5 district but with greater density being permitted than in the R-1 district.

Sec. 35-3079. R-6 townhouse residence district.

Single-family attached dwellings (townhouses) are permitted in their appropriate district, provided each dwelling is located on

a separate lot, fronts on a street, and complies with the following specifications:

(a) Yard requirements:

- (1) Front yard. The minimum front yard shall be twenty (20) feet. If, however, all off-street parking is located in the rear of the townhouse, and such lot abuts an alley or driveway having a minimum width of twenty-four (24) feet, then the front yard may be reduced to ten (10) feet.
- (2) Side yard. None permitted, except that no portion of a townhouse or accessory structure in, or relocated to, one (1) group of contiguous townhouses shall be closer than ten (10) feet to any portion of a townhouse or accessory structure related to another group. Each corner lot shall have a side yard of at least ten (10) feet, except that in the case of reversed frontage, a side yard equal, at least, to the depth of the front yard required for a structure fronting the side street shall be required. A side yard of five (5) feet shall be provided when townhouse lots abut a side lot line outside of the townhouse development.
- (3) Rear yard. A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. In addition, six hundred (600) square feet of contiguous open area is to be provided behind the front setback of each townhouse lot. 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 with six hundred (600) square feet of contiguous open area being provided behind the front setback.
- (4) Depth of lot. The minimum depth of lot shall be eighty (80) feet.

(b) Minimum area requirements:

- (1) No site for townhouse development shall contain less than ten thousand (10,000) square feet.
- (2) No townhouse development shall exceed a density of more than twenty (20) units per gross acre.

(c) Maximum building height. Maximum height shall be two and one-half (2 1/2) stories or twenty-five (25) feet, whichever is greater.

(d) Units per building. The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

(e) Accessory structures. Accessory structures and uses are permitted when located on the same lot and not involving the conduct of business.

(f) Other requirements. Off-street parking shall be provided on the basis of one (1) space per townhouse unit, which may be provided in a communal parking area.

(g) Exceptions. In the case of townhouses developed in a planned unit development the provisions of this section shall not apply. All requirements for townhouses in planned unit developments shall be as specified in division 9 of this article.

Sec. 35-3080. R-7 small lot home districts.

The R-7 small lot home district is comprised of single-family dwellings which reflect a somewhat different character from that found in R-1 and R-5 zones. Small lot homes are constructed in a manner which allows attachment of no more than two (2) dwelling units. Further, small lot homes may be sited on smaller lots than those permitted under the R-1 and R-5 classifications. R-7 developments shall, however, be placed so as to be compatible with adjoining lot sizes and densities and not create an anomaly in the area. Each dwelling in the R-7 district shall be located on a separate lot, front onto a public street, and comply with the following specifications:

(a) Yard requirements:

(1) Front yard.

a. Off-street parking provided to the front of the dwelling (front vehicular access). Where off-street parking is provided to the front of the structure, the minimum front yard setback shall be twenty (20) feet, unless the developer elects to stagger the setbacks. Should that option be chosen, then within any ten (10) consecutive lots at least one-third shall be set back between fifteen (15) feet and seventeen (17) feet; another one-third between eighteen (18) feet and twenty (20) feet; and the remaining one-third between twenty-one (21) feet and twenty-three (23) feet. A development of less than ten (10) lots shall maintain the same setback proportions. Regardless of the setback, however, a front entry garage shall have minimum of twenty (20) feet between the private garage/carport and the front property line.

b. Off-street parking provided to the rear of the structure (rear vehicular access). Where all

Off-street parking and access is provided to the rear of the structure, the minimum front yard setback shall be fifteen (15) feet unless staggered setbacks are used. In the latter instance, setbacks shall be staggered such that within any ten (10) consecutive lots at least one-third are set back between ten (10) feet and twelve (12) feet, another one-third between thirteen (13) feet and fifteen (15) feet and the remaining one-third between sixteen (16) feet and eighteen (18) feet. A development of less than ten (10) lots shall maintain the same setback proportions. When off-street parking is provided to rear of the residence, vehicular access to the property must be through a twenty-four (24) foot paved alley.

- (2) Side yard. Side yard setbacks shall be a minimum of zero (0) feet on one (1) side and ten (10) feet on the other, or five (5) feet on each side. No more than twenty-five (25) percent of the lots on any block shall be permitted five-foot side yard setbacks. Each corner lot shall have a side yard setback of at least five (5) or ten (10) feet if the dwelling has a zero (0) setback on the other side; except that in the case of reversed frontage, a side yard equal, at least, to the depth of the front yard setback of a structure fronting the side street shall be required. In no case, however, shall a combination of setbacks (i.e., zero (0) plus ten (10) feet and five (5) plus five (5) feet) be allowed which would create a separation of less than ten (10) feet between nonattached structures. Excepting public utility equipment, such setbacks must be kept free of permanent aboveground man-made obstructions. Where small lot home development abuts a lot not in an R-7 district, the side yard shall be at least five (5) feet (e.g., the zero (0) setback shall not be on the side adjoining the non R-7 district). Provision shall be made for continuing maintenance easements on the lots adjacent to the zero (0) lot line. This will allow property owners access to the adjacent property for the purpose of maintaining their structure on the zero (0) lot line.

- (3) Rear yard.
- a. Where off-street parking is located in the front of the structure the minimum rear yard setback shall be twelve (12) feet, with a minimum of one thousand two hundred (1,200) square feet of contiguous open space between the front building setback line and the rear property line.
 - b. Where all vehicular access and offstreet parking is provided to the rear of the struc-

ture, the minimum rear yard setback shall be five (5) feet from the property line, with a minimum of one thousand (1,000) square feet of contiguous open space between the front building setback line and the rear property line.

- c. Where rear loading is utilized, all rear and side yard fences shall be flared if necessary to eliminate visual obstructions for vehicles entering the alley from a private garage/carport.

- (b) Minimum area requirements: Four thousand two hundred (4,200) square feet.

- (c) Maximum height: Two (2) stories or twenty (20) feet.

- (d) [Reserved]

- (e) Firewalls: All dwellings constructed on zero lot lines must be provided with a firewall as set out in the building code of the City of San Antonio.

- (f) Setback restrictions: At the time of application for the building permit the permit applicant shall indicate on the application what the front, side and rear yard setbacks shall be. If staggered front setbacks or five (5) foot side yard setbacks are used, the applicant shall note on the application form that they do not exceed the limitations established within this section.

Subdivision B. Business Districts

Sec. 35-3081. General.

The sale and on-premises consumption of alcoholic beverages is generally prohibited in business districts unless expressly permitted. Outside operations and/or storage, except for live plant materials, is prohibited in all business districts unless expressly permitted. It is intended that most operations occur within completely enclosed structures. Boarding of animals on-premises is prohibited.

Sec. 35-3082. O-1 office districts.

(a) This district is composed of land and structures occupied by or suitable for office uses. This district permits such uses as offices for doctors, dentists, architects, engineers, insurance agents, attorneys, contractors, and other office uses having similar characteristics.

(b) This district regulations are designed to protect and encourage transitional character by permitting a limited group of office uses.

(c) On-premises display or sale of merchandise is prohibited in the O-1 district.

(d) A business sign not to exceed twelve (12) square feet is permitted. All other advertising devices including, but not limited to, portable signs, electric signs, and bulletin boards are prohibited.

Sec. 35-3083. B-1 business districts.

(a) These districts permit land and structures occupied by or suitable for such neighborhood uses as offices, studios and light commercial uses. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital or college groups and related uses.

(b) The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residential districts. These districts are also intended to reduce energy consumption by permitting a limited group of commercial uses to be located in close proximity to residential areas.

(c) This district permits a maximum of 3,000 square feet of

retail grocery store floor space.

(d) The sale of alcoholic beverages is prohibited within this district.

(e) Retail trophy sales are limited to engraving and assembly within this district.

Sec. 35-3084. B-2 business districts.

(a) These districts permit land and structures occupied by or suitable for furnishing retail goods, such as groceries, drugs and such services as shoe repairing, to satisfy the household needs of surrounding residential areas.

(b) The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard standards to be met.

(c) The sale of alcoholic beverages for off-premises consumption is permitted within this district. On-premises consumption of alcoholic beverages is permitted when incidental to food sales and all services are completely enclosed.

(d) The opening of carwash washing bays or tunnels must be a minimum fifty (50) feet from the property line.

(e) Small animal clinics are permitted within this district provided they are completely enclosed and do not board animals overnight.

Sec. 35-3085. B-2NA business districts, nonalcoholic sales.

District regulations are the same as in B-2 business districts, except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.

Sec. 35-3086. B-3 business districts.

(a) These districts permit land and structures used to furnish, in addition to uses found in the B-2 district, such goods and services as: business services, marine sales, fix-it shops, sign shops, farm equipment sales, limited wholesale trade and similar uses.

(b) The district regulations are designed to permit the development of the districts for their purpose and to protect surrounding and abutting residential areas by requiring certain minimum yard standards to be met.

(c) The sale of alcoholic beverages is permitted for both on-premises and off-premises consumption.

(d) The sale, service and storage of automobiles and trucks require that vehicles shall be in operating condition with current state inspection sticker and license. Automotive services shall be completely enclosed.

(e) The opening of carwash washing bays or tunnels must be a minimum of twenty-five (25) feet from the property line.

(f) Welding shops permitted within this district are limited to three employees.

Sec. 35-3087. B-3R restrictive business districts.

District regulations are the same as in B-3 districts except that no sales of alcoholic beverages for on-premises consumption shall be permitted.

Sec. 35-3088. B-3NA business districts, nonalcoholic sales.

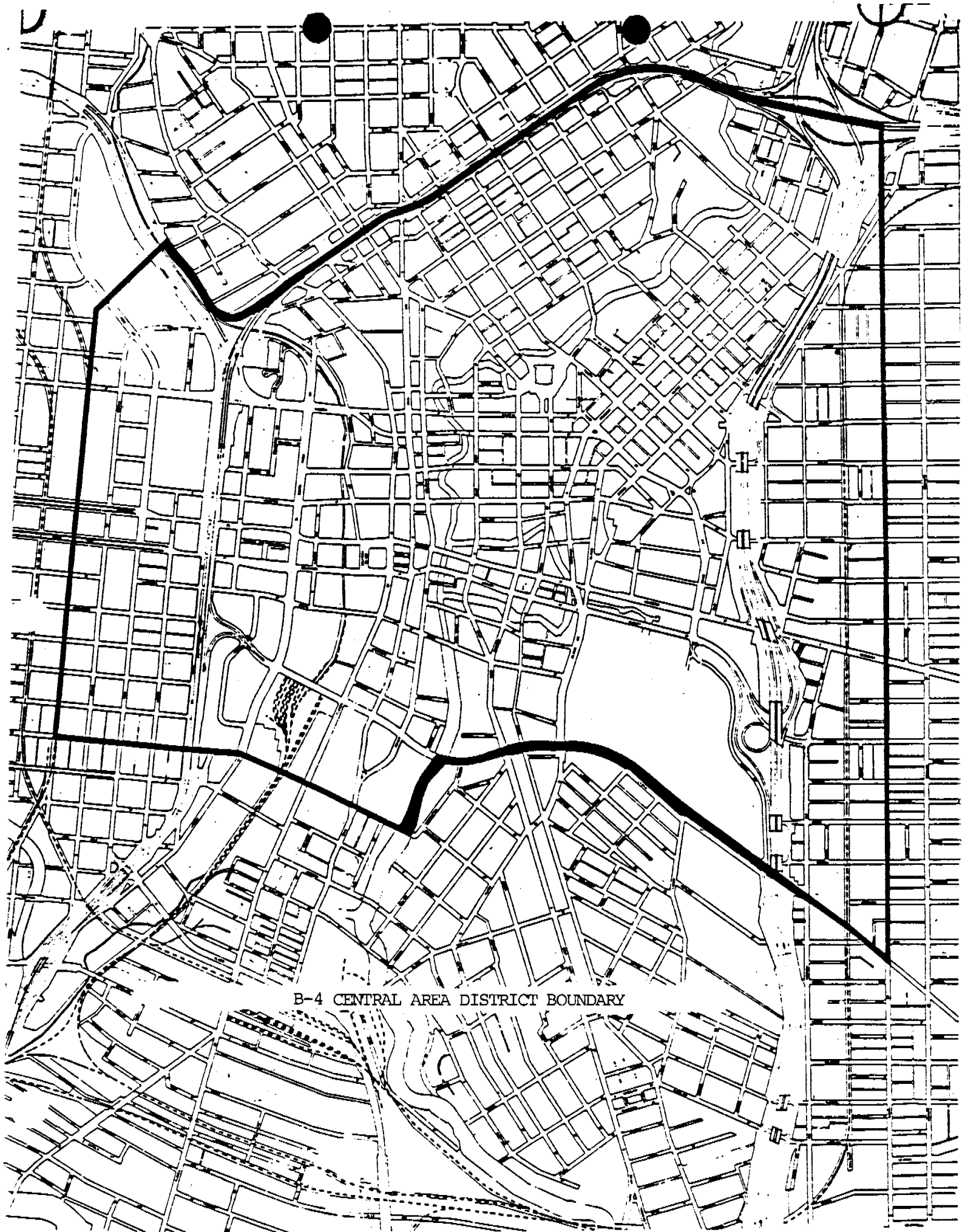
District regulations are the same as in B-3 districts except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.

Sec. 35-3089. B-4 central area districts.

(a) These districts are designed to allow a broad range and mix of uses and intensities within the central area. The district's designation and regulations are intended for use within the vicinity of the central business district and shall be limited to properties within the following boundaries:

Start at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwalader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Durango Boulevard; west on Durango to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado (see map).

(b) This district permits those uses permitted in B-2 and B-3 business districts, in addition to such uses as wholesale trade, limited processing and limited light manufacturing.



B-4 CENTRAL AREA DISTRICT BOUNDARY

Subdivision C. Industrial Districts.

Sec. 35-3090. I-1 light industry districts.

(a) These districts are composed of land and structures used for light manufacturing, fenced outside storage, processing and wholesaling or are suitable for such uses, where the use and its operation do not adversely affect nearby residential and business uses.

(b) These districts are usually separated from residential areas by business areas or by natural barriers.

(c) The district regulations are designed to allow a wide range of industrial activities subject to limitations designed for mutual protection of land use.

Sec. 35-3091. I-2 heavy industry districts.

(a) These districts are composed of land and structures used for light and heavy manufacturing, outside storage, warehousing and related activities or are suitable for such uses.

(b) Located for convenient access for existing and future arterial thoroughfares and railway lines these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required.

(c) The district regulations are designed to permit the development of the district for heavy industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.

Division 6. Overlay Districts

Subdivision A. Edwards Recharge Zone District (ERZD).

Sec. 35-3101. Purpose.

The Edwards Recharge Zone District (ERZD) has been established for locations where the Edwards and associated limestone formations come to the surface to provide a recharge area for the underground water supply contained within these formations. The recharge area also can provide an entrance to the underground water supply for contaminated water runoff from uses on the recharge zone as well as from the related sensitive area. Thus this recharge zone district is designed to not allow land uses which would produce toxic, corrosive, polluted, poisonous, radioactive, unpalatable, or otherwise dangerous substances injurious to the public health or which could otherwise adversely affect the water supply, and thereby minimizing the risk of potential occurrences wherein such substances could enter the water reservoir. Land uses permitted are those not having operations, production, or storage of hazardous materials which could contribute contaminants to the water supply. Additional land uses are permitted with appropriate restrictions which will protect against the spread of contaminants due to the operations.

Sec. 35-3102. Boundaries.

The limits of the Edwards Recharge Zone District (ERZD) are described on United States Geological Survey Quadrangle Maps, being copies of the official maps in the offices of the Texas Water Commission, and are defined in the Texas Administrative Code, 31 TAC 313.1-313.11. If the limits of the ERZD cannot be accurately determined, then the zoning board of adjustment shall interpret the district boundaries after obtaining such geologic information as is necessary from the Edwards Underground Water District or other properly designated agency.

Sec. 35-3103. Zoning classification.

(a) Overlay district. The Edwards Recharge Zone District (ERZD) is designed as an overlay to the regular zoning districts. Property located within this overlay district must also be designated as being within one of the regular zoning districts. Authorized uses must be permitted in both the regular zoning district and the overlay district.

(b) Zoning designation. The zoning designation of property located within the Edwards Recharge Zone District shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned R-3 and is also located within the Edwards Recharge Zone District, the zoning designation of the property would be R-3 (ERZD). In effect, the designation of property as being within the Edwards Recharge Zone District places such property in a new zoning district

classification and all procedures and requirements for zoning and rezoning must be followed.

Sec.-3104. Uses permitted within the ERZD.

Uses permitted by right and with special city council approval are specified in Division 8 of this article, Permitted Uses. It shall be unlawful for any person to make use of any property located within the Edwards Recharge Zone District, except in accordance with such tables of permitted uses.

Subdivision B. Planned Unit Development Districts

Sec. 35-3106. Purpose.

(a) It is the intent of this article to encourage unified design of housing, commercial, industrial, or institutional areas and facilities, or combinations thereof, to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this article to provide for:

- (1) A maximum choice in the types of environment and living units available to the public.
- (2) An integration of open space and recreation areas with residential development.
- (3) A pattern of development which preserves trees, outstanding natural topography, and geologic features.
- (4) A creative approach to the use of land and related physical development.
- (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing and maintenance costs.
- (6) An environment of stable character in harmony with surrounding development.
- (7) The development of vacant property within the presently developed urban area.
- (8) The redevelopment of property where desirable by providing flexibility in redesign.

(b) The planned unit development concept is a recognition that at times greater quality of development can be achieved by permitting modification of established zoning and subdivision regulations and that when property is planned and developed as a unit, modification to standard regulations is possible without endangering the health, safety, and general welfare of the public.

(c) It is intended that PUD-1 conform as closely as possible to established zoning and subdivision regulations while still permitting maximum flexibility of design to make planned unit development as desirable as possible.

Sec. 35-3107. Limitations.

Development as PUD-1 will be permitted in any zoning district established after June 28, 1965 except for performance districts. Utilization of PUD-1 is at the option of the applicant, but will require a zoning district change.

Sec. 35-3108. Size and use requirements.

(a) Size. Planned unit developments shall not be permitted

on tracts of less than two (2) acres in size.

(b) Permitted uses. A PUD-1 may be developed which includes any or all of the uses permitted in any specific zoning district established after June 28, 1965, e.g., a PUD-1 in a B-3 zone could include any, all, or any combination of the uses permitted in the B-3 zone. A PUD-1 may also encompass several zones; provided, however, that the uses permitted in each zone are limited to the boundaries of that zone.

(c) Common walls. Single-family houses or duplexes where permitted may be attached by common walls between units; however in P-1(R-1) P-1(R-2), P-1(R-5) and P-1(R-7) districts, the planning commission shall retain the prerogative of establishing the number of units which may be attached for all structures which are adjacent to or across the street from conventional development. The commission may not permit more than five (5) units to be attached in the P-1(R-1), P-1(R-5) and P-1(R-7) districts and not more than eight (8) units to be attached in the P-1(R-2) district. The number of units which may be attached is understood to be one factor in the control of character which is also determined by density of a development, size of the units, height of the units and design of the units.

Sec.35-3109. Height and peripheral yard requirements.

- (a) Height. All structures shall not exceed a maximum height of three (3) stories; however, any portion of a building may be erected to exceed the height limit specified, provided that such portion is set back from the required side and rear yards one (1) foot for each two (2) feet of height in excess of the three (3) stories. Yard credits shall be allowed for space occupied by existing buildings, of conforming height, extending from the required yard lines.
- (b) Yards abutting streets. Structures adjacent to a public street shall maintain a minimum average setback of twenty (20) feet, with no structure closer than ten (10) feet. All setbacks shall be measured from the nearest right-of-way line or the line established by section 35-4025 of this chapter, whichever is greater. Structures adjacent to private streets, or adjacent to public streets which are internal to the project under consideration and comprise a distinct block or blocks within the project, have no minimum building setback requirements; however, in no case shall a structure be located so as to obstruct sight line requirements. The minimum sight line shall be a line joining two (2) joints fifty (50) feet from the intersection of the paving lines of any public street with another public street, private street or driveway, measured along the paving lines of the streets or driveways involved. Similar criteria shall hold for the intersection of two (2) private streets. There are no specific requirements

for the intersection of private streets with driveways; in the case of a "T" intersection, the sight line distance requirement for the intersection of a public street and a driveway shall be reduced to twenty-five (25) feet as measured along the paving line of the driveway.

- (c) Yards abutting lots with structures. All structures adjacent to the property line of a lot containing a building or an alley or easement which abuts such a lot shall have a minimum yard requirement equal to the zoning requirement of the abutting lot.
- (d) Yards abutting vacant property. All structures abutting the property line of a lot containing no structures, or an alley or easement which abuts such a lot, shall be a minimum of five (5) feet from the property except where the zoning of the property in question permits less than five (5) feet, in which case firewalls may be built on the property line.

Sec.35-3110. Density.

(a) Residential developments. For residential planned unit developments, this ordinance will utilize density limits and land use intensity in combination to determine the maximum number of units per acre and the maximum allowable floor area. Land use intensity ratings, to be referred to hereafter as (LUI), will determine the character of a project by establishing a structure to open space relationship. The density limits determine the maximum impact a given area is allowed in terms of streets, utilities, and other urban services. The maximum densities, land use intensity ratings and floor areas allowed for each district can be found in Table 1, Land Use Intensity.

TABLE 1

LAND USE INTENSITY

P-1 Zoning	Maximum	Floor Area	Open Space	Livability
District	Density	Ratio ¹	Ratio ²	Space Ratio ³

R-1	8	.283	2.6	1.7
R-5	8	.283	2.6	1.7
R-2, R-4, R-7	10	.283	2.6	1.7
R-6	20	.492	1.5	.84
R-3	33	.650	1.1	.61
B-1, B-2	33	.650	--	--
B-3		.650	--	--
I-1, I-2		.650	--	--

FOOTNOTES:

1. To determine allowable floor area, the floor area ratio for the proper zoning should be multiplied by the gross site area including allowable bonuses. "Floor area" is defined as all indoor areas except car storage, heating and/or cooling plants, or common use facilities such as recreation buildings.

2. To determine the open space required, the open space ratio for the proper zoning should be multiplied by the actual floor area proposed for the development as defined above. "Open space" is defined as all uncovered outdoor area as well as usable roofs, uncovered balconies, and one-half of the area of all roofed porches, carports, and other covered open areas.

3. To determine the livability space required, the livability space ratio for the proper zoning should be multiplied by the actual floor area proposed for the development as defined above. "Livability space" is defined as all outdoor space other than roads, drives or parking. Recreation space may also be included as part of livability space. With the exception of density, deviations from the requirements in the above table of up to ten (10) percent will be considered by the planning commission; however, it shall be understood that the requirements in the table represent the norm and deviations must be justified by the applicant. In calculating densities and floor areas the gross area of a site is used. In addition, one-half of any abutting collector street or arterial street right-of-way may be included as part of the gross area. One-half of any abutting park, river, or other beneficial open space which has reasonable expectancy of perpetuity may also be included. In no case, however, may this additional area exceed ten (10) percent of the total site.

(b) Nonresidential development. The density of all nonresidential planned unit development shall be governed by the height, peripheral yard requirements, and site development criteria, contained in this article.

Sec.35-3111. Interior site requirements.

(a) Residential developments - open space, livability space, recreation space. For all residential developments the (LUI) ratings established in Table 1 - Land Use Intensity (subsection (e) of this section) shall be used to determine the open space and livability space. Recreation space is also a necessary component of every residential planned unit development however, there are no specific requirements.

(b) Nonresidential development- open space, livability space, recreational space. In nonresidential developments the amount of open space and livability space is determined by the requirements for peripheral yards, space between structures,

general circulation needs and landscaping. These requirements are set forth in other sections of this article. Recreational space in nonresidential development is optional.

(c) Minimum lot requirements. An individual lot for each structure is not required, but may be provided at the developer's option. There is no minimum area requirement for lots, and lot boundaries may coincide with structure boundaries if desired. If individual lots are provided there shall be no requirement that the lot front a street.

(d) Vehicular access and internal circulation. Vehicle access points shall be limited to the minimum necessary to provide safe, convenient ingress and egress to the planned unit development. These access points shall be located so as to provide a minimum of conflict between the planned unit development traffic and the traffic on the adjacent streets. Internal circulation may be, on private streets, owned and maintained by the corporation, association, or other legal entity as established in subsection (g) of this section. The planning commission may, however, require dedication of right-of-way and/or construction of paving for a public street or streets through or into the planned unit development as the planning commission deems necessary.

(e) Private streets shall comply with the design standards for private streets as specified in Article IV of this chapter.

- (f) Parking requirements. There shall be a minimum of two (2) paved parking spaces with adequate ingress and egress for every dwelling unit in all residential developments. Certain unique circumstances such as homes for the elderly or student housing, for example, may require either more or less space per unit, in which case the number of parking spaces required shall be determined by the director of traffic and transportation and approved by the planning commission. Common use facilities may also require additional parking spaces to be determined and approved as above. For all nonresidential developments, the minimum parking requirements will be as specified in section 35-3176 parking in both residential and nonresidential areas shall be convenient to all dwelling units or other uses and, where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas may be required to avoid conflict between these areas serving different types of uses in a development.
- (g) Pedestrian access. Sidewalks shall be provided in accordance with the requirements of Article IV of this chapter.
- (h) Drainage, utilities, and garbage collection.
- (1) Drainage. The use of private streets for storm drainage shall not exceed that permitted for public streets in Article IV of this chapter. Where private streets cross drainage ways of any type, adequate crossings as required by article IV of this chapter for public streets shall be provided.
 - (2) Utilities. All sewer lines within the PUD serving only the PUD shall be maintained by the PUD, provided, however, that the sewer mains within the PUD serving areas outside of the PUD, and sewer lines in public streets or easements abutting public streets serving any units of the PUD, shall be maintained by the city. All such mains to be maintained by the city shall be placed in public streets or easements a minimum of sixteen (16) feet in width, and a separate service line shall be provided to the main for each individual lot. Utility distribution to individual lots may be made from a common metering or connection point or points.
 - (3) Garbage collection: If, in the opinion of the director of public works, the private streets in the PUD are arranged so that garbage may be collected within the PUD without creating a

safety hazard, the city will collect the garbage provided proper indemnification is received from the PUD property owners. Garbage placed for collection by the city shall be placed at points designated by the director of public works. If the city does not collect garbage within the PUD, all units within PUD may be exempted from payment of fees upon furnishing of sufficient evidence assuring acceptable removal of all garbage and refuse by private means. For such exemption to be granted, written application must be submitted to and approved by the director of finance.

- (i) Building spacing. The minimum distance between buildings shall be ten (10) feet, except for firewalls which may be less than ten (10) feet, but no less than four (4) feet in the clear, provided that the distance where adjacent buildings are less than ten (10) feet apart, shall not exceed a length of fifteen (15) feet. The term "in the clear" shall be construed to apply to meters, air conditioning units, and/or other mechanical equipment which may not intrude within the four (4) foot space. The space between buildings with a separation of less than ten (10) feet shall contain no utility mains but may contain individual utility services. The eaves or other projections of buildings which are ten (10) feet apart shall not be less than six (6) feet apart.
- (j) Landscaping. In keeping with the spirit of this article, landscaping shall be provided in both residential and nonresidential developments. Recognizing the need for diversity in design, there are no specific requirements for the type, amount, or character of the landscaping elements, which shall be left to the discretion of the developer, provided the proposed landscaping and maintenance thereof be in keeping with the above mentioned spirit. In the location of landscaping elements such as trees, shrubbery, walls and fences, care should be taken not to obstruct the necessary sight distance of any intersection within or adjacent to the property. Whenever practicable, the preservation of existing trees and appropriate other vegetation is encouraged. Screening, such as fencing, walls, trees, shrubbery, and other landscaping elements, may be required on the perimeter, or parts thereof, of a planned unit development as buffering to adjoining other zoning districts.

Sec. 35-3112. Common area control.

- (a) Generally. All common area shall be placed under the control of a corporation, association or other

legal entity guaranteeing:

- a. The continued use of such land for the intended purposes;
 - b. Continuity of property maintenance for common areas requiring maintenance;
 - c. When appropriate, the availability of funds required for such maintenance;
 - d. Adequate public liability insurance; and
 - e. Recovery for loss sustained by casualty, condemnation, or otherwise.
- (b) Legal documents. For residential planned unit development other than condominiums, the most currently circulated version of FHA Form 1400 "Suggested Legal Documents of Planned Unit Developments" shall be used as a guide for the establishment, continuance and operation of a Homes Association to meet the above stated requirements. For nonresidential developments no guide is specified; however whatever document is developed shall include a minimum provision a. through e. above.
- (c) Agreement to maintain property. In addition, for both residential and nonresidential planned unit developments, the corporation, association or other legal entity must provide proof of its authority to contract with the city and execute a written agreement with the city stating that, at any time the maintenance of the common area falls below established health and minimum housing standards, the city may, at its option, after giving proper and reasonable notice and observing due process of law, undertake maintenance of the common area and assess the legal entity or the individual property owners for the cost of said maintenance.

Sec. 35-3113. Application.

(a) Pre-application conference. The pre-application conference shall be optional with the applicant. It is recommended that the proposed development concept be reviewed informally with the director of planning prior to preparation and submission of the preliminary plan and the request for P-1 zoning change. It is also advisable for the applicant to meet with the director of public works and discuss drainage, street designs and other engineering matters related to each specific project.

(b) Request for zoning. Two (2) copies of a zoning diagram at a scale of one (1) inch to one hundred (100) feet, illustrating the existing zoning and land use of the subject property, shall be submitted to the director of planning. This diagram shall also include a general location of the subject property in relation to the surrounding general area and a statement of the proposed use of the property i.e., single

family, townhouse and apartment, etc.

Sec. 35-3114. Preliminary plan.

(a) Plan requirements. At the time of the request for P-1 zoning a preliminary plan accompanied by a processing fee as specified in Exhibit C shall be submitted to the director of the planning department. The additional fee as specified in Exhibit C shall be in addition to any other fees that may have been incurred for zoning, platting, etc. The preliminary plan shall include the following:

- (1) Site size and locational information.
 - (2) Adjacent land uses.
 - (3) A conceptual plan indicating:
 - a. Primary functions such as types of residential and commercial uses, open space features, etc.
 - b. General circulation and ingress/egress points.
 - c. Major physical factors such as creeks, easements, topography and significant existing vegetation.
 - d. An indication of the type of street designs to be used in the project and any unusual structural features such as dams, spillways, pedestrian crossovers, etc.
 - (4) A staging plan if appropriate.
 - (5) Sketches and elevation drawings which demonstrate visually the general features of the proposed plan. (optional)
- (b) When preliminary plan and review is required. In the event that the proper P-1 zoning has been previously obtained on a site, it is still necessary that any plan proposed for the site be reviewed by the planning commission in a duly notified public hearing as specified in section 35-3024. A preliminary plan and processing fee as specified in Exhibit C are also required.
- (c) Preliminary plan approval.
- (1) The director of planning shall, upon receipt of a preliminary plan of development, distribute one (1) or more of the requested copies to various city departments and/or agencies as the director deems necessary. The departments and/or other agencies receiving copies of the preliminary plan shall, within thirty (30) days of receipt of the plan, submit in writing to the director of planning their recommended approval or disapproval, and/or comments of or about the plan. No later than forty-five (45) days after submission of the preliminary plan, the

director shall submit the plan with his recommendation and the comments received from the other city departments and/or agencies to both the planning commission and the zoning commission for consideration.

- (2) Since granting of the P-1 zoning will be dictated in part by the character and quality of the proposed development and its effect on the surrounding land uses the preliminary plan shall be considered by the zoning commission at the same time the zoning hearing is conducted.
- (3) The city planning commission, after receipt of such plan, may approve the preliminary plan concept, as submitted, amend and approve the plan as amended or disapprove the plan. If the preliminary plan meets the specified requirements and is approved by the planning commission, the preliminary plan shall be stamped "approved preliminary plan of development" and be signed by the chairman of the planning commission. One (1) copy of the approved preliminary plan shall be placed on file in the planning department pending approval of the final plan of development.

Sec. 35-3115. Final plan.

(a) Plan Requirements. Prior to the issuance of building permits, final approval for a planned unit development shall be obtained. Fifteen (15) or more copies of the final plan of development shall be submitted to the director of planning. In addition to an approved preliminary plan and proper zoning, the final plan of development shall include:

- (1) Dimensioned layout and location of buildings, open space, recreation areas, etc.
- (2) Location, amounts and types of nonresidential uses.
- (3) Size and location of all vehicular access points, streets, parking, etc.
- (4) Staging plan.
- (5) Elevation drawings and perspective sketches.
- (6) Required legal documents (two (2) or more copies as determined by the director of building inspections).
- (7) Platting. The property proposed for PUD-1 shall be platted as required by the most current subdivision regulations and/or the provisions of this article. As platting requirements will in some cases be dictated by the proposed plan of development must be approved simultaneously with the approval of the plat.

- (8) Sewer fees. Where service is provided by the city, sewer fees shall be paid in accordance with article iv of this chapter.
- (9) Performance bond. A performance bond or trust indenture agreement adequate to cover the cost of installation of all private facilities illustrated on the approved plan of development shall be provided. Cost estimates from which the performance bond or trust indenture agreement is based must be certified by a professional engineer.

(b) Approval of the final plan. The director of planning shall, upon receipt of the final plan of development, distribute one (1) or more of the copies to various city departments and/or agencies as the director deems necessary. The departments and/or other agencies receiving copies of the final plan of development shall, within twenty (20) days of receipt of the plan, submit, in writing, to the director of planning their recommended approval, disapproval and/or comments of or about the plan. No later than thirty (30) days after submission of the final plan of development, the director of planning shall submit the plan with his recommendation and the comments received from other city departments and/or other agencies to the planning commission for consideration. The city planning commission, after receipt of such plan, may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped, "approved planned unit development" and be signed by the chairman and secretary of the planning commission.

(c) Recording of the approved plan. One (1) copy of the approved plan shall be submitted to the director of building inspections for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary for other departments and agencies.

(d) Change in the plan. After favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character, or overall design of the plan may be approved by the director of planning. Substantial alterations shall be submitted for review by the planning commission following the same procedure required in the original adoption of the plan. The planning commission shall interpret what constitutes a substantial alteration in the plan.

(e) Time limit. The construction of the planned unit development shall be started within eighteen (18) months of the effective date of approval of the plan by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer, extend the time one (1) additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within two and one-half (2 1/2) years of the effective date of approval. Failure to begin the development within the required time period or the period as

extended shall automatically void the plan of development, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.

Subdivision C. River Walk Overlay District

Sec. 35-3121. Finding of purpose.

The city council hereby finds that the beautified sections of the San Antonio River and the "Paseo del Rio" constitute an area of the city which is different from any other part of the city and which is unsuited for designation under any of the present zoning district classifications which have been heretofore adopted by the city.

Sec. 35-3122. Special zoning district created.

The city council hereby adopts and creates a special zoning district overlay classification designed for properties adjacent to the beautified parts of the San Antonio River, to be known as the river walk overlay district. This overlay district is designed for lots which actually abut the waterway and other properties situated nearby or on accesses to the river, so as to have an effect upon the quiet atmosphere of the river walk area.

Sec. 35-3123. Policy manual adopted.

The San Antonio River-Walk Policy Manual approved by the River Walk Advisory Commission on February 28, 1984, is hereby adopted. A copy of the policy manual is available within the department of parks and recreation.

Sec. 35-3124. Designation of districts; zoning.

(a) Land located within the boundary of the river walk overlay district (RWOD) will also be designated as being within one (1) of the regular zoning districts. Generally, uses permitted will be those permitted in the particular district (residence, business or industry) in which the land is located, subject to all requirements of this chapter for that particular use and district; however, some uses that would otherwise be permitted in the district in which the land is located are not allowed in the river walk overlay district. This is because this overlay district is established to protect the peculiar and unique atmosphere of the river walk, and provide compatible uses for properties in close proximity thereto. Thus, when land is designated as being within the river walk overlay district, the uses which may be made of properties or buildings must also be uses permitted in the overlay district as specified in section 35-3126.

(b) Property designated as included in the river walk overlay district shall also be designated as included in a regular zoning district, and the symbol for such designation shall consist of both the regular zoning district symbol, with the overlay district symbol as a suffix. For example, if property is zoned B-2, and is also designated as being within

this overlay district, the zoning designation would be "B-2 (RWOD)."

(c) In effect, the designation of property as being within the river walk overlay district places such property in a new district classification, and, therefore, all procedures and requirements for zoning and rezoning of property must be followed in designation of property as being within the RWOD.

Sec. 35-3125. Requirements and regulations.

In addition to the above land restrictions, the following requirements and regulations shall apply to all property located within the river walk overlay district:

(a) Outside amplification. No use shall be made of any property in the river walk overlay district which includes outside amplification except under the terms of this subsection. Outside amplification on a temporary basis may be conducted only after approval given in writing by the river walk commission. For outside amplification on a permanent basis, the written permission of the city council shall be required, the council to grant such permission by ordinance, only upon receiving the recommendation of the river walk commission. "Temporary" means any period of time which is one (1) week or less. "Permanent" means a period of time which is more than one (1) week. Permits issued hereunder may limit outside amplification as to loudness, location of amplifiers or loudspeakers, time of usage, or any other relevant consideration to protect the quietness of the river walk area and assure that visitors or other landowners or users of property in this zone are not offended or damaged by such activity. No person shall gain any vested rights by issuance of such a permit, inasmuch as any permit may be withdrawn or amended as to its terms at any time.

(b) Nudity and partial nudity.

- (1) No commercial establishment in the river walk overlay district shall be allowed in which, as a part of the entertainment or method of operation, patrons are exposed to nudity or partial nudity. Nudity means total absence of clothing or covering for the human body. Partial nudity means exposure of the female breast or breasts, or exposure of the male or female pubic area or buttocks. These prohibitions extend to depictions of nudity or partial nudity by motion picture as well as live acts, performances or conduct.
- (2) In addition, nudity or partial nudity shall not be depicted on any poster, sign or photo which is located in the river walk overlay district and is visible from the publicly owned San Antonio River or river walk (Paseo del Rio), but this prohibition shall not extend to a photo which is a part of a newspaper, magazine or other written publication offered for sale on the

premises where displayed. It shall be a violation hereof for the owner or person in possession of any property in the river walk overlay district to permit activity in violation hereof on such property, and it shall also be a violation hereof for any person to expose himself or herself in violation hereof.

- (3) Soliciting alms. No person may beg or otherwise solicit alms, donations or gifts of money or anything of value in the river walk overlay district except in conformance with the terms of this subsection.
 - a. A solicitation permit must have been received from the city solicitation commission under the terms of section 16-251 et seq. of this Code; and
 - b. Written permission must have been granted by the river walk which permission may limit such activity in the river walk overlay district as to place, time, method of operation, and any other relevant considerations as determined by the commission, so as to assure that no visitors or other users of the property in the area will be offered or disturbed and to assure that no other activity, customs or use shall be harmed. No person shall gain any vested rights by the issuance of such a permit, inasmuch as any such permit may be withdrawn or amended at any time.
- (4) Garbage or trash storage. No collections, or storage for refuse, debris or garbage produced by any residence, business or industry in the river walk overlay district or elsewhere shall be allowed in a river walk overlay district when such collections or storage is visible from the publicly owned river walk. No hanging of laundry, cleaning rags, mops, or similar items shall be allowed within view of the river walk.
- (5) Billboards, signs. No billboards shall be allowed in the river walk overlay district. Any sign, visual display, or graphic which is located in the river walk overlay district and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in Article VI of chapter 28 of this code. No sign, visual display or graphic shall be allowed in the river walk overlay district unless it is advertising or giving information concerning a business or activity located on the same lot as the sign, visual display or graphic is located.

Sec. 35-3126. Permitted uses.

The uses permitted in the Riverwalk Overlay District are as follows:

Accessory uses

Aerial survey

Air-conditioning sales: (retail, completely enclosed, service incidental)

Air-conditioning-refrigeration service repair (completely enclosed in with
no installation of central units-heating or cooling)

Alcoholic beverage, retail sales

Altering and repairing of wearing apparel

Amusement parks (commercial)

Antique store (completely enclosed)

Apartment hotel

Apothecary, limited to the sale of pharmaceutical and medical supplies

Apparel and accessory store (no used merchandise)

Appliance repair (completely enclosed)

Appliance store (retail sales) repair only as incidental use (completely
enclosed)

Barber and beauty equipment and related specialty sales (wholesale)

Barber or beauty shop

Bicycle and/or lawnmower repair (completely enclosed)

Blueprint and photostating

Bookbinder

Bookstore (no outside storage or display)

Bowling alleys

Business college

Business machine store

Building specialties store, retail (completely enclosed)

Building hardware specialty items (wholesale completed enclosed)

Cabinet or carpenter shop (completely enclosed)

Cafe or restaurant (curb service)

Cafe, restaurant, or cafeteria (alcoholic beverages when incidental to
food sales, with all services completely enclosed)

Candy, nut and confectionery store

Camera and photographic store

Candle manufacture *

Candy manufacture *

Carnival or circus, etc.

Catering shop

Churches

Clinics, dental or medical

Clothing manufacture *

Club or lodge

Cold storage plant

College fraternity or sorority house

Contractor (completely enclosed, no outside storage)

Cosmetics (compounded only)

Dairy equipment sales (wholesale-completely enclosed)

Dairy producers sales (retail)

Dairy products sales (wholesale)

Dance hall

Delicatessen

Department store

Drug sales (wholesale)

Drug store

Dry cleaning

Dry cleaning (pickup only)

Dry cleaning (limited to five employees)

Dry goods store

Dry goods (wholesale, completely enclosed)

Dwelling (one-family)

Dwelling (one-family attached in FUD and PRD only)

Dwelling, small lot home

Dwelling (two-family)

Dwelling (two-family attached in FUD and PRD only)

Dwelling (three-family)

Dwelling (four-family)

Dwelling (multiple-family)

Electric power generator station (primary station)

Electric repair (appliances) (completely enclosed)

Electrical substations (to be enclosed by a fence or wall, minimum 6' in height, with physical installation being enclosed by a barrier which constitutes a visual screen)

Elevator maintenance and service

Exterminators (completely enclosed)

Fair grounds, baseball park, and stadium

Farm equipment sales and service (completely enclosed)

Farm supplies

Feed store or seed and fertilizer

Felt manufacture (cloth)

Fish market (retail)

Fix-it shop (completely enclosed)

Floor covering sales (wholesale-completely enclosed)

Floral shop (completely enclosed)
Floral shop
Florist (wholesale, completely enclosed)
Food-to-go (retail-no curb service)
Food locker plant (retail)

Food products manufacture and processing (not rendering)
Food products (wholesale storage and sales)
Food store
Fraternal clubs or lodges
Fruit and vegetable stand or store

Furniture upholstery (completely enclosed with no outside storage)
Furniture repair and upholstery (completely enclosed)
Furniture (wholesales sales)
Furniture store retail (completely enclosed) (no repair)
Garage, public or storage

Garden specialty store
Gas regulation station (screening)
Gasoline filling station and/or service
Gift shop (completely enclosed)
Glass (retail sales) (service incidental to sales-completely enclosed)

Glass (wholesale sales)
Golf driving range, pitch-and-putt or miniature golf course
Golf course and country club, but not driving range, pitch-and-putt, or
miniature golf course
Grocery store
Grocery (wholesale)

Gymnasium (commercial)
Hardware store
Hardware sales (wholesale)
Heliport
Hobby supply store

Home occupation
Hosiery manufacture
Hospital
Hotel
Ice house

Ice manufacture
Ice cream and ice milk (retail)
Ice cream store
Interior decorating studio
Jewelry store

Laboratory (dental or medical)
Laboratory (research)
Laboratory (testing)
Laundry
Laundry (limited to 5 employees)

Laundry or dry cleaning (pickup station)
Laundry and dry cleaning (self-service)
Leather goods or luggage store
Libraries (non-governmental)
Linen supply, diaper service or uniform supply

Loan office
Locksmith
Machine shop (completely enclosed)
Machine, tools and construction equipment sales and service (completely enclosed)
Marine sales

Marine and boat storage
Metal products fabrication *
Milliner (custom)
Millinery manufacture
Millwork and similar wood products manufacture *

Miniwarehouse
Motel
Motorcycle sales and service (completely enclosed)
Moving and transfer company
Music store

Nameplate, not exceeding one square foot in area and not illuminated
(attached to building)
Newsstand
Novelty and souvenir manufacture *
Nursery, day care or kindergarten (care of up to 20 children)
Nursing home (private)

Offices (only)
Office equipment and furniture manufacture (completely enclosed)
Office equipment and supplies (retail)
Office equipment and supplies, (wholesale, completely enclosed)
Oil well supplies and machinery sale

Optical goods (retail)
Optical goods (wholesale, completely enclosed)
Optician
Optometry office
Paint and wallpaper store

Paper supplies (wholesale)
Passenger depot (railroad or bus)
Pawn shop (completely enclosed)
Personal services and limited retail
Pet shop (completely enclosed)

Photographic equipment and supplies sales (retail)
Photographic equipment and supplies sales (wholesale, completely enclosed)
Photographic studio
Picture framing
Pipe lines and electrical transmission lines

Plant nursery (one acre minimum no sales or advertising signs on property; accessory buildings permitted not to exceed a total of 60 square feet nor to be closer than 50 ft. to the front property line nor to any abutting residential zone; no outside storage of equipment or other materials except live plant material)

Plant nursery sales, greenhouse (retail sales)
Plant nursery, greenhouse (wholesale)
Playground equipment manufacture
Plumbing fixture sales, (completely enclosed) (retail)

Plumbing fixture sales (wholesale)

Post office

Printers

Private club (alcoholic beverages dispensed as a service in a private club is allowed as an accessory use in no more restrictive zone than an R-3 District)

Radio station, with transmitter tower

Radio station or studio, without transmitter tower

Reading room

Recreation facility, neighborhood

Reducing salon

Rooming house or boarding house

Rug and/or carpet sales

Rug cleaning (completely enclosed)

Schools, elementary

Schools, secondary

Shoe manufacture

Shoe repair shop

Shoe sales (retail)

Shoe sales (wholesale, completely enclosed)

Sign shop (completely enclosed)

Skating rinks (completely enclosed)

Sporting goods store

Sporting goods (wholesale, completely enclosed)

Stamp and coin sales (retail)

Stationery sales

Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.

Surgical or dental supplies store

Surgical or dental supplies (wholesale, completely enclosed)

Tailor shop

Tamale and tortilla manufacture (retail)

Tavern

Taxidermist

Telephone company business office or switching center

Telephone or utility company service center

Television stations, with transmitter tower

Television station or studio without transmitter tower

Textile manufacture *

Theater (indoor)

Theater (outdoor, including drive-in theater)

Tile manufacturer (ceramic) *

Tobacco store

Tool rental (completely enclosed)

Tourist home

Town house

Toy manufacture *

Toy store

Trade school (commercial)

Trailer sales

Trophy sales (retail sales)

University or college

Variety store

Venetian blind and metal awning fabrication, repair and cleaning
(completely enclosed)

Warehousing (completely enclosed)

Watch repair

Water distillation

Water storage (overhead)

Welding shop *

* These uses are limited to a maximum of 3,000 square feet.

Subdivision D. Military Airport Overlay Zones

Sec. 35-3131. Purpose.

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

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

Sec. 35-3132. Boundaries.

(a) Districts. At the ends of the runways of military airports are designated Clear Zones which measure three thousand (3,000) feet by three thousand (3,000) feet in length and width. Beyond the Clear Zones, the City has designated two Military Airport Overlay Zones (see diagram):

- (1) Military Airport Overlay Zone 1 (MAO-1) extends approximately five thousand (5,000) feet in length and three thousand (3,000) feet in width beyond the Clear Zone.
 - (2) Military Airport Overlay Zone 2 (MAO-2) extends approximately seven thousand (7,000) feet in length and three thousand (3,000) feet in width beyond District 1.
- (b) Official map. The specific boundaries of the Military Airport Overlay Zones are shown on the official zoning map maintained in the Department of Planning.

Sec. 35-3133. Zoning Classification.

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

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

Sec. 35-3134. Uses.

(a) Prohibited uses. The following uses are prohibited within the Military Airport Overlay Zones:

- (1) Residential uses, except as provided for in Exceptions for Residential Uses.
- (2) Transient lodging, hotels, and motels.
- (3) Hospitals, sanitariums, and nursing homes.
- (4) Public and private schools, including day care centers, professional, trade, and technical schools.
- (5) Churches and cultural facilities.
- (6) Auditoriums, except as a proper accessory to a permitted use.
- (7) Correction, detention, and penal institutions.
- (8) Flea markets.
- (9) Amusement and recreational uses over 5,000 square feet in size, except for golf courses, riding stables, and horse training facilities.
- (10) Restaurants, eating and/or drinking establishments, clubs and lodges.
- (11) Billboards.
- (12) Shopping centers/malls in Zone 1 and shopping centers/malls in excess of 250,000 square feet in Zone 2.

(b) Permitted uses. All other uses authorized by the underlying zoning district are permitted subject to the conditions set forth for Floor Area Ratio, Visual and Electrical Interference, and Storage of Flammables.

Sec. 35-3135. Exceptions for Residential Uses.

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

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

Sec. 35-3136. Floor Area Ratio.

The floor area ratios specified in the table below shall apply to uses within Military Airport Overlay Zones 1 and 2. The floor area ratio shall be determined by dividing the total floor area of all buildings on a platted lot by the total lot area.

PERMITTED FLOOR AREA RATIOS

Uses	District 1	District 2
Retail trade limited to automotive, building materials, furniture, home furnishings, and marine sales	0.25	0.50
All other retail trade	0.00	0.30
Wholesale trade	0.50	1.00
Industrial/manufacturing	0.50	1.00
Personal services & busi- ness	0.00	0.50
Processing & Warehousing	0.50	1.00
All other uses	0.25	0.50

Sec. 35-3137. Visual and Electrical Interference.

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

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

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

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

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

Sec. 35-3138. Storage of Flammables.

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

(a) Solid materials.

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

(2) The storage or manufacture of explosive materials and of materials or products which decompose by detonation is prohibited.

(b) Liquid materials.

(1) The manufacture of flammable or combustible liquids or materials which produce flammable or combustible vapors or gases is prohibited.

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

(3) The storage of flammable and combustible liquids, or of materials that produce flammable or combustible vapors or gases, shall be permitted

only in accordance with the Uniform Fire Code.

Sec. 35-3139. Height Regulations.

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

Sec. 35-3140. Procedure.

(a) Site Plan. Except for single-family residences, a site plan shall be submitted to the director of planning for approval by the planning commission prior to the issuance of building permits. All building plans must be in compliance with an approved site plan. The applicant shall submit eight (8) blue- or black-line copies and one reproducible 8-1/2 x 11-inch reduced copy of the site plan accompanied by the processing fee specified in Exhibit C. The processing fee shall be in addition to any other zoning fees.

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

- (1) Ordinance provisions. Permitted uses, floor area ratio, potential visual and electrical interference, and storage of flammables.
- (2) Intent. The site design should locate the most intensive uses farthest away from the end and centerline of the runway.

(c) Plan Requirements. The plan shall include the following as a minimum.

- (1) Site size, locational information, and adjacent land uses.
- (2) Dimensioned layout, with the location, size, and height of all buildings and structures.
- (3) Floor area ratio of each lot.
- (4) The location and size of all above and below ground storage containers for flammable and combustible materials.
- (5) Size and location of all vehicular access points, streets, and parking areas.
- (6) Major physical features such as creeks, topography, and easements.

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

(8) A staging plan if appropriate.

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

(e) Planning commission consideration. The city planning commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped "Approved" and be dated and signed by the chairman of the planning commission and by the secretary of the commission.

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

(g) Changes in the plan.

(1) Minor changes. After favorable action by the planning commission, minor alterations which do not substantially change the concept of the site plan may be approved by the director of planning, if required by engineering or other circumstances not foreseen at the time the plan was approved. Minor changes may not cause any of the following:

- a. An increase in the floor area ratio.
- b. A change in location or an increase in size of any storage containers for flammable or combustible materials.
- c. An increase in the dimensions of any glass or other reflective surfaces.

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

(h) Time limit. The construction of the proposed development shall be started within twelve (12) months of the effective date of approval of the site plan by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer, extend the time one additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within two (2) years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the site plan, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.

Sec. 35-3141. Supplemental Information.

Whenever any application for a change in zoning in a Military Airport Overlay Zone is filed, the Director of Planning shall make formal request to the U.S. Air Force at least 30 days prior to the Zoning Commission hearing for any relevant statistics, operational activities information, technical data, or other studies with bearing on the request.

Division 7. Performance Districts

Subdivision A. Planned Residential Development

Part 1. Purpose

Sec. 35-3151. Title.

This subdivision shall be known as the planned residential development or PRD zoning district.

Sec. 35-3152. Purpose.

(a) Development in the San Antonio area has taken place primarily under requirements of uniform regulations within each zoning district that may prevent or discourage innovative site design and development responses to new market demands. The use of improved techniques for land development is often difficult under traditional zoning regulations designed to control single buildings on individual lots. Proper private development of infill areas, as well as advantageous development of large areas of substantially vacant land, require a flexible approach to be available both to the city and to the landowner. The planned residential development district is intended to encourage mixed residential uses, allow a more flexible response to the housing market, encourage innovative subdivision design, and avoid a "win-loss" solution to zoning decisions.

(b) This district is further intended to provide:

- (1) Conservation of energy and natural resources.
- (2) A maximum choice in the types of environment and dwelling units available.
- (3) An integration of open space and recreation areas with residential development.
- (4) A pattern of development which preserves trees and other outstanding natural features.
- (5) A creative approach to the use of land and its related physical development.
- (6) An efficient use of land requiring smaller networks of utilities and streets, thereby lowering development and maintenance costs.
- (7) The development of vacant property within the presently urbanized area.

Sec. 35-3153. Commentaries.

Throughout this subdivision, subsections prefaced "Commentary" are included. Each commentary is intended as an official statement of legislative finding or purpose. Whenever a section or subsection of this article is deemed to require clarification, explanation of its intent, or further elaboration, that section is followed by a commentary. The commentaries have been legislatively adopted together with the more formal text of the article. They are intended as a guide to the administration and interpretation of the article and shall be treated in the same manner as other aspects of legislative history.

Sec. 35-3154. Legislative intent.

(a) In enacting this division, special notice has been taken of the fact that the goals of citizens and landowners of the city often conflict or compete. In light of this situation, the first consideration has been to devise technical solutions which minimize or eliminate conflicts. This division attempts to avoid a "winner-take-all" solution to the resolution of conflicts between neighbors or adjoining property owners.

(b) Whenever a proposed use encounters objections, the zoning commission and city council must reach an equitable solution between two (2) extremes:

- (1) Either permit the use, to the detriment of the objectors, or
- (2) Entirely prohibit it, to the detriment of the landowner who proposed it.

(c) This division has been designed to protect and accommodate both competing interests. It is the goal of this article that both the burdens and the benefits which it implies be rationally and fairly distributed among the citizens and property owners of the city.

Commentary: Frequently zoning cases pit either a landowner and the public interest or two (2) landowners against each other. There is substantial judicial precedent for the proposition that it is the local government's role to determine the best path for land use to follow; in this instance, San Antonio has devoted a substantial effort to finding equitable solutions to conflicts. Every effort has been made to make land uses a matter of right subject to performance criteria capable of nondiscretionary, objective administrative evaluation; thus reducing the number of times that ad hoc decisions need be made. This greatly increases the potential uses or choices available to individual property owners. Ad hoc decisions appear to reduce the certainty of protection to neighbors and to increase the potential for adverse impacts. This article contains performance criteria intended to ensure that neighbors are protected from adverse impacts and to protect the community's general welfare.

Part 2. Requirements.

Sec. 35-3155. Size.

Planned residential developments may be of any size provided the area is contiguous and all other requirements are met. A PRD must have access to at least one (1) public street and may be divided by an existing or proposed major thoroughfare.

Sec. 35-3156. Permitted uses.

(a) Residential. Any combination of residential uses is permitted within a PRD.

(b) Lot line house. Access for maintenance of the lot line wall shall be ensured by one (1) of the following options:

- (1) The house may be placed on the lot line and a minimum five-foot maintenance easement shall be provided on the neighboring property;
- (2) The house may be set back five (5) feet from the lot line(s) and a recreation, planting, and use easement shall be granted to the adjacent lot owner; or
- (3) A combination of (1) and (2) to total a minimum of five (5) feet.

(c) Townhouse. A row of attached townhouses shall not exceed a maximum of ten (10) dwelling units.

(d) Manufactured housing. Modular and HUD-code manufactured homes (mobile homes) as defined in the Texas Manufactured Housing Standards Act being Vernon's Ann. Civ. St. art. 5221f are permitted subject to the standards set forth below. These standards shall be used to ensure acceptable compatibility in exterior appearance between modular/HUD-code manufactured homes and site-built dwellings that have been or might be constructed in adjacent or nearby locations.

- (1) All modular/HUD-code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. If the modular/HUD-code manufactured home is manufactured as a mobile unit, the wheels and axles must be removed. All units must also have covered front and rear entries, and site built steps and porches.
- (2) The minimum width of a modular/HUD-code manufactured house and any attendant structures or

additions as assembled on the site shall not be less than twenty (20) feet. Attendant structures or additions to the unit shall be defined to include carports, garages, utility rooms, living or recreation rooms, or enclosed porches or patios.

- (3) Each modular/HUD-code manufactured home shall have a sloping roof with eave projections of at least twelve (12) inches, constructed with material generally acceptable for site built housing. The

pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run.

- (4) Any materials that are generally acceptable for site built housing may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, semigloss enamel paint.

(e) Nonresidential. Nonresidential uses as indicated in division 9 of this article may comprise five (5) percent of the base site area provided (a) the PRD district is a minimum of ten (10) acres in size and (b) approval is granted in the development plan for such land uses including their size and location. Bonus options are available to increase this base percentage to fifteen (15) percent. Residential and nonresidential uses may be integrated within mixed use structures.

Commentary: Unlike other zoning districts which segregate different residential land uses, this district allows all residential and some nonresidential uses while placing the emphasis on minimizing or buffering any negative impacts between uses. Segregation of uses frequently does not provide adequate protection especially at the boundaries of use districts. This zoning classification anticipates the likelihood and desirability of considerable mixing of uses and imposes standards to resolve any negative impacts of juxtaposing unlike land uses.

If specified in the approved development plan nonresidential land uses may be integrated into the overall design of the PRD. Considerations for approving such uses are that the size be appropriate for the surrounding neighborhood as well as the proposed PRD and that the location facilitate access and minimize congestion.

Sec. 35-3157. Density.

(a) The base density for a PRD district is eight (8) dwelling units per residential acre (8 du/acre). Bonuses may be earned to increase the allowable density above the base. For purpose of determining residential acreage, mixed use structures in which residential uses comprise more than fifty (50) percent of the total area, as measured by square footage, may be considered as residential uses.

(b) Residential acreage shall be determined by subtracting the following from the total area within the PRD:

- (1) Areas designated for school, church, and other nonresidential uses (including attendant parking).
- (2) Flood areas defined by regulations adopted by reference in article iv, this chapter, and as verified by the city drainage engineer.

(c) Density allowance for reclaimed land within the floodplain will be granted upon plat approval or proper submission of drainage criteria for a building permit if platting is not required.

Sec. 35-3158. Height and area requirements.

(a) Height. The height limitation for structures is twenty-five (25) feet. Structures may exceed this limitation provided they are set back a minimum of twenty-five (25) feet from the nearest residential use plus one (1) additional foot for each two (2) feet of height in excess of the twenty-five (25) feet. The required setback distance may include areas used for bufferyards.

(b) Internal separation. The minimum distance between structures at any point shall be ten (10) feet. There are no minimum front, side or rear setback requirements except for:

- (1) Street intersections where no structure shall be placed within the triangular area formed by intersecting street lines and a straight line connecting such street lines at points twenty-five (25) feet from the point of intersection, measured along the face of the curbs of such street lines; and
- (2) Nonresidential uses for which the following requirements apply:

<u>Street</u>	<u>Side (each)</u>	<u>Rear</u>
25 ft.	0 ft.*	0 ft.*

* When abutting a residential structure, the minimum distance shall be twenty-five (25) feet.

Commentary: A structure may consist of one (1) or more dwelling units.

(c) Perimeter setback requirements. All structures located on a PRD perimeter where a bufferyard is not required by section 35-3167 shall be located in such a way that front, side or rear yard setbacks on the perimeter of the development shall not be less than that required by the zoning ordinance for the districts which the PRD abuts.

Commentary: This subsection requires that all perimeter structures within a PRD comply with the setback requirements of the abutting zoning district except when a perimeter bufferyard is required by section 35-3167.

(d) Area. An individual lot for each structure is not required, but individual lots may be provided at the developer's option. There is no minimum area requirement for lots and lot boundaries may coincide with structure boundaries if desired. If individual lots are provided, there shall be no requirement that an individual lot front on a street. However, lots which do not front on a street shall have permanent pedestrian and/or vehicular access to a public or private street. If vehicular access is not provided, parking shall be available within a convenient distance of each lot.

Commentary: For maximum design flexibility, no minimum lot area is specified; however, lot size and shape shall be evaluated in the context of the relationship among lots as well as between lots and public or common open space. A convenient distance for parking shall usually not exceed two hundred (200) feet as measured by the normal path of pedestrian travel. In certain situations involving unusual design, terrain, or siting, a greater distance may be permitted by the planning commission.

(e) Firewalls. All structures shall comply with the firewall requirements set forth in the building code of the city.

Sec. 35-3159. Access.

(a) Generally. Streets within a PRD may be public and/or private. The planning commission may, however, require dedication of right-of-way and construction of paving for a public street through or into the PRD as the commission deems necessary.

(b) Private streets. Private streets shall comply with the specifications and design standards set forth in article iv of this chapter.

(c) Safety considerations.

(1) Vehicle access points shall be located so as to provide a minimum of conflict between the PRD traffic and the traffic on adjacent streets.

(2) Parking shall be prohibited on any private street less than thirty (30) feet in width.

(d) Pedestrian access. Sidewalks shall be provided on public and private streets in accordance with the design specifications of article iv, this chapter.

Sec. 35-3160. Parking and off-street loading.

Off-street parking and truck loading requirements shall be as provided in this chapter with the following exceptions:

(a) Communal parking facilities. The following table specifies the minimum number of required off-street parking spaces per dwelling unit if communal parking facilities are provided. Fractions of parking spaces are to be added for each increment. When totaled, fractional units of 1.5 or more shall be considered as the next higher whole number.

COMMUNAL OFF-STREET PARKING SPACE REQUIREMENTS

<u>Dwelling units (du) served</u>	<u>Parking spaces/du</u>
First 5 du (1-5)	2.0
Next 20 du (6-25)	1.8
Next 25 du (26-50)	1.6
Over 50 du	1.4

Commentary: Within the table, the number of dwelling units served is additive. Thus, for thirty (30) dwelling units, fifty-four (54) parking spaces are required: $5 \times 2.0 = 10$; $20 \times 1.8 = 36$; $5 \times 1.6 = 8$; and $10 + 36 + 8 = 54$.

(b) Size, location. Off-street parking spaces shall conform to the minimum size requirements of this article and shall be so located that vehicle parking will not interfere with sidewalk accessibility. Communal parking facilities may be used to provide the required off-street parking. Turnarounds are not required for communal parking facilities which exit onto marginal access or local type A streets.

(c) Cooperative parking. Nonresidential land uses may share off-street parking facilities with other nonresidential or residential uses pursuant to a cooperative parking plan as defined in this article provided the parking is located within three hundred (300) feet of all dwelling units. In such instances, the total number of required parking spaces may be reduced by fifteen (15) percent. In determining the number of parking spaces which may be deleted, fractional units of one-half or greater shall be considered as the next higher number.

Sec. 35-3161. Fences and walls.

Fences and walls within a PRD may extend to a height of eight (8) feet and may be erected in any yard, provided the vision clearance requirements of Article IV, this chapter are met.

Sec. 35-3162. Services.

(a) Drainage. The use of private streets for storm drainage shall not exceed that permitted for public streets in Article IV of this chapter. Where private streets cross drainage ways of any type, adequate crossings as required by Article IV of this chapter for public streets shall be provided.

(b) Utilities.

- (1) Water. Water supply and distribution systems within a PRD may be publicly or privately owned and maintained. However, all systems shall comply with the requirements of Article IV, this chapter, the city plumbing code, and the rules and regulations of the city water board.
- (2) Sewers. Sewer systems within a PRD shall conform to the requirements levied by Article IV of this chapter. The sewer engineer shall have the option of designating the PRD sewer main system as a publicly or privately owned sewer collection system and of oversizing on-site mains as required. Where sewer service is provided by the city, sewer fees shall be paid in accordance with this chapter.
- (3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements a minimum of sixteen (16) feet in width. Deadend easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each easement.

(c) Garbage collection.

- (1) If in the opinion of the director of environment management, the private streets in the PRD are arranged so that garbage may be collected within the PRD without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the PRD property owners or community association. Garbage collected by the city shall be placed at points designated by the developer subject to approval by the director of environment management.
- (2) In the event the city does not collect garbage within the PRD, all units within the PRD may be exempted from payment of fees upon furnishing of sufficient evidence ensuring acceptable removal of all garbage and refuse by private means. For such exemption to be granted, written application must be submitted to and approved by the director of finance.

Part 3. Bufferyards.

Sec. 35-3165. Purpose of bufferyards.

The provisions of this subdivision part for the installation and maintenance of bufferyards are intended to protect the character and stability of residential areas, to conserve the value of the land and buildings of the properties and neighborhood adjacent to a PRD, and to enhance the aesthetic and visual image of the city. The bufferyard is a unit of yard together with the plantings required thereon. The type and amount of planting for each bufferyard requirement shall be designed to eliminate or minimize potential negative impacts such as dirt, litter, noise, glare of lights, signs, and unsightly buildings between different land use intensity classes. The planting materials included within a bufferyard should be calculated to ensure they do, in fact, function as buffers and should be an appropriate landscape design so that the landscaping will form an effective visual barrier. Example diagrams of acceptable bufferyards are shown in Figures 1 and 2. Other combinations of bufferyard plantings are acceptable depending on existing vegetation and differences in land use intensity classes.

Commentary: One of zonings most important functions is the division of land uses into districts which, at least in theory, contain compatible uses. The wide variety of uses permitted within a PRD may not produce similar negative characteristics. Bufferyards are designed to minimize the more serious negative impacts of uses within a PRD.

Sec. 35-3166. Land use intensity classes.

For purposes of determining bufferyard requirements, the following table classifies land uses authorized in a PRD according to their respective impacts. More intense uses whose impacts may include increased density, increased bulk and height of buildings, increased traffic with associated noise and congestion, and other negative impacts require buffering to protect less intensive neighboring uses.

TABLE OF LAND USE INTENSITY CLASSES

- (1) Class I. One-story residential uses with one (1) to ten (10) dwelling units per structure and two-story single-family detached dwelling units.
- (2) Class II. All multi-story residential uses (except detached single-family), residential uses with eleven (11) or more dwelling units per structure, and modular/HUD-code manufactured housing.
- (3) Class III. Nonresidential uses (including mixed use structures).

Figure 1

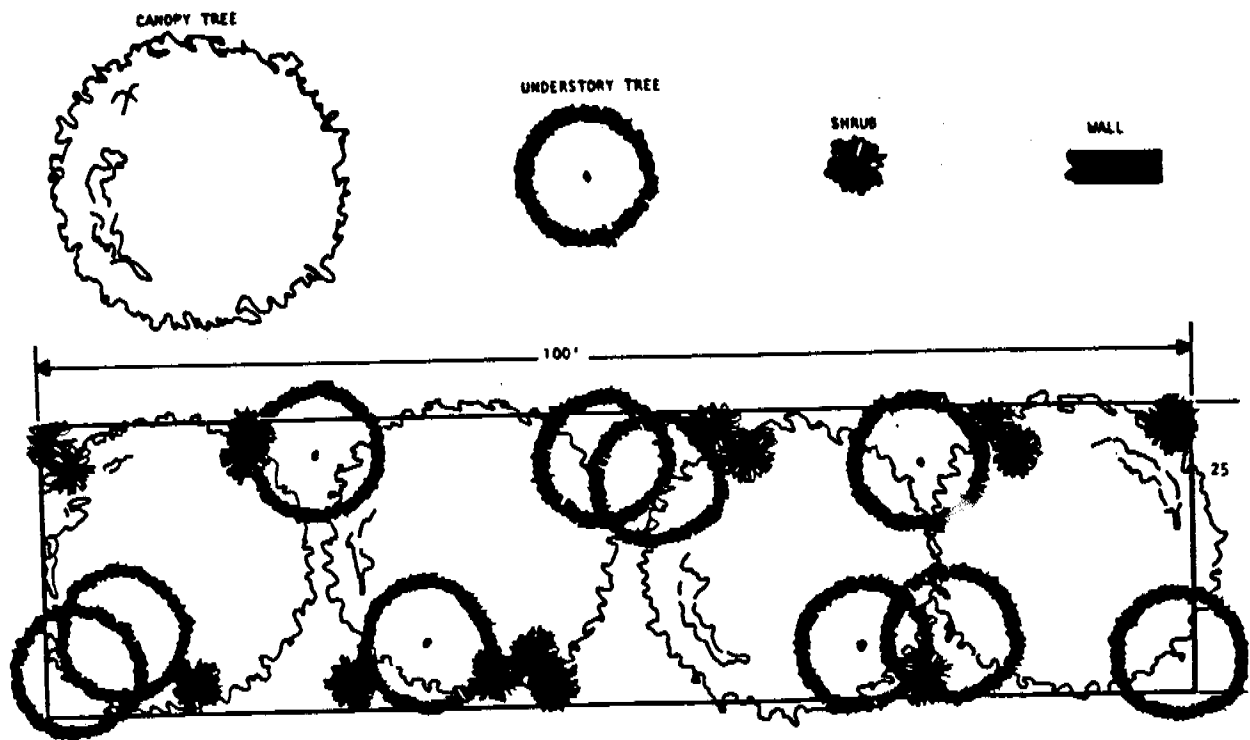
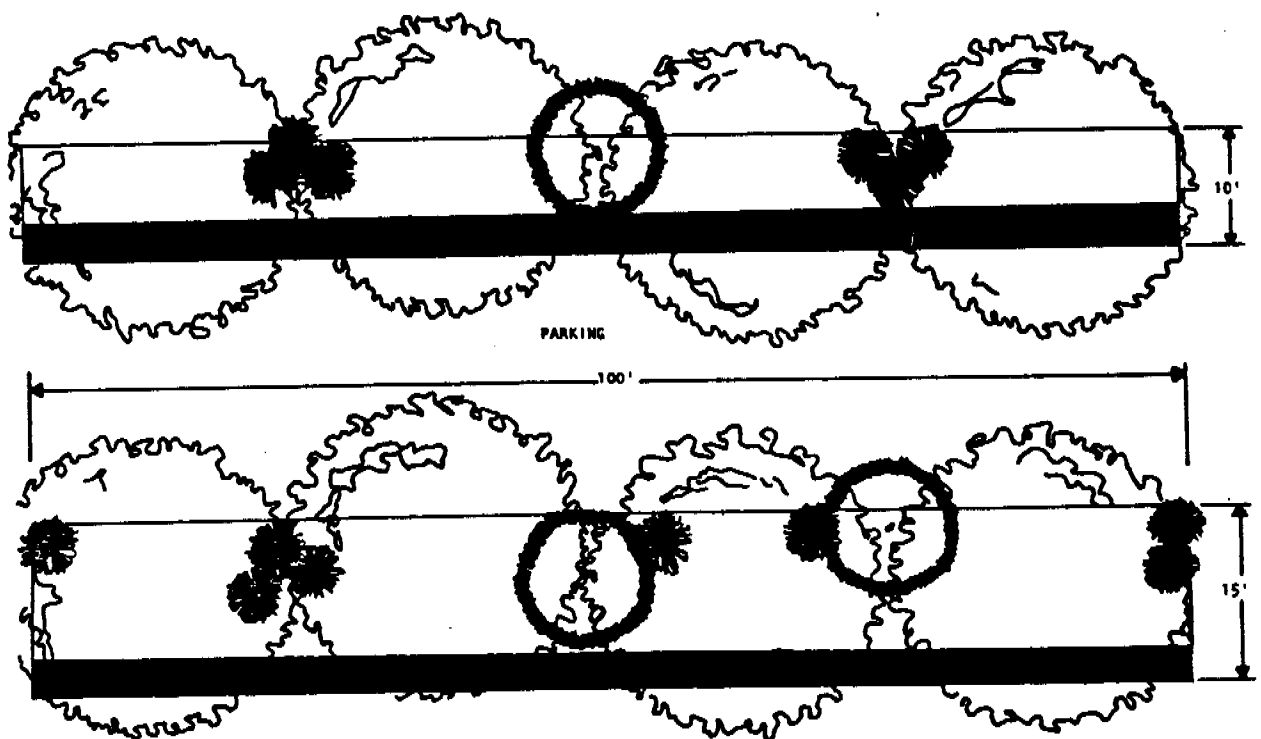


Figure 2



Sec. 35-3167. Bufferyard requirements.

(a) Bufferyards are required between differing land use intensity classes whether they are internal or external to the PRD. Bufferyards shall be a minimum of twenty-five (25) feet in width. The width may be reduced to fifteen (15) feet if (1) a wall is erected and maintained within the bufferyard or (2) the differing land use intensity classes are separated by a street, railroad right-of-way, or an unfenced drainage or unimproved utility easement with a width of at least twenty (20) feet. If a wall is erected, and with the specific approval of the planning commission, the bufferyard width may be further reduced from fifteen (15) to ten (10) feet to allow for parking. A reduction to ten (10) feet for any other use is not permitted.

(b) The planning commission may partially or wholly waive an internal bufferyard requirement in those instances where the PRD integrates uses of differing land use intensity classes into a single, unified entity and bufferyards would detract from the intended character of the PRD as stated in the development plan.

(c) Certain situations may require either more or less buffering in which case the requirement shall be approved by the planning commission based on the recommendations of the director of parks and recreation and the applicant. Flexibility in the bufferyard width requirements may be allowed to preserve existing trees and other vegetation.

(d) Bufferyards are not required adjacent to golf courses, cemeteries, parks, or other public or private open spaces.

Sec. 35-3168. Buffering techniques.

(a) Plant requirements. Plants may be any combination of evergreen and deciduous trees and shrubs. Newly planted materials shall meet the minimum size standards indicated in the following table. In addition to trees and shrubs, all bufferyards shall be planted with lawn, native grasses, or evergreen ground cover unless ground cover is already established. A listing of the tree species recommended by the state forest service for the San Antonio area is set out in Exhibit F.

MINIMUM PLANT SIZE

<u>Plant type</u>	<u>Size</u>
Canopy trees	2.5-inch caliper
Understory tree	1.5-inch caliper
Shrub	1.5-feet in height

Commentary: Caliper is the measurement of the size of a tree equal to the diameter of its trunk measured one (1) foot above the ground. Canopy trees generally attain a mature height of thirty (30) feet or more. Understory trees range between ten (10) and thirty (30) feet in height.

(b) Wall requirements.

- (1) Walls shall be solid masonry (poured concrete, concrete block, brick, etc.) and shall be a minimum of six (6) feet in height. A combination of walls and earthen berms may be used to meet the minimum height requirement.
- (2) As an alternative to solid masonry walls, decorative walls with small openings or heavy timber walls (two (2) inches thick or greater) may be built if the design is submitted to and specifically approved by the director of planning. If openings are included in walls, additional landscaping may be required to form an effective visual barrier.

(c) Placement. The exact placement of plants and walls within bufferyards shall be the decision of each applicant.

Sec. 35-3169. Existing materials.

Existing land and/or plants which otherwise meet the requirements of sections 35-3165 through 35-3172 may be counted toward satisfying bufferyard requirements. The planning commission may, at its discretion, decrease the bufferyard width and plant material requirements if it determines that a proposed bufferyard with existing, undisturbed vegetation wholly or partially meets the purpose and intent of sections 35-3165 through 35-3172.

Commentary: A bufferyard containing existing native vegetation is preferred over one in which new materials must be planted. Not only does such a bufferyard provide immediate screening it also requires little or no maintenance. An applicant should provide visual evidence to support a request to decrease bufferyard requirements.

Sec. 35-3170. Use of bufferyards.

(a) Bufferyards may be, and are encouraged to be, used for passive recreation and may contain pedestrian, equestrian, jogging, or bike trails, provided that:

- (1) The required width is maintained, and
- (2) All other regulations of this division are met.

(b) Openings for pedestrian access, no wider than four (4) feet, may be placed in walls at intervals of not less than two hundred fifty (250) feet.

Commentary: This section provides flexibility for the use of larger bufferyard. It enables public or private use of bufferyards for limited recreational uses, so long as the total required bufferyard is provided.

Sec. 35-3171. Bufferyard plan and platting requirements.

(a) Bufferyards shall be platted as separate lots and shall be accompanied by a bufferyard plan. The plan shall be drawn to scale and include the following information:

- (1) Location and type of existing vegetation, if any;
- (2) General location and types of proposed canopy trees, understory trees, shrubs, and ground cover;
- (3) Location and type of wall to be constructed, if applicable;
- (4) A description of how the bufferyard will be maintained to include provision for adequate irrigation; and
- (5) Signature of a registered landscape architect or nurseryman.

(b) Bufferyards shall be considered as required site improvements and when they are platted, a performance agreement to ensure their establishment shall be executed by the applicant and filed with the planning commission together with the plat as outlined in this chapter, article iv (subdivisions). The obligation imposed by the performance guarantee shall be released by the city upon receipt of a letter from the applicant certifying that bufferyard requirements have been completed, subject to verification by the city.

Sec. 35-3172. Maintenance of bufferyards.

(a) To ensure bufferyards are properly maintained and to prevent infringement on their designated uses, bufferyards must either be:

- (1) Conveyed, with the approval of the planning commission, to a public or semipublic agency if that agency agrees to accept conveyance and to maintain the bufferyards; or
- (2) Conveyed to a community association or similar organization which shall be responsible for the maintenance of the bufferyards.

(b) Perpetual dedication and maintenance of bufferyards shall be provided through deed restrictions. The deed restrictions shall run with the land, establish the bufferyard maintenance responsibilities, and provide for restricting the use of the bufferyards for the purposes designated in this article. When bufferyards are platted the applicant shall provide the city with two (2) copies of the deed restrictions, one (1) copy of which shall be recorded by the city at the time of plat recordation. A fee, apart from the plat recordation fee, shall

be provided for recording the deed restrictions.

(c) At any time structures and/or plant materials within a bufferyard are not maintained in a manner which ensures its intended purpose, the city reserves the right, after giving proper and reasonable notice and observing due process of law, to undertake or contract for, the maintenance of the bufferyard and to assess the owner(s) for the cost of the maintenance.

Part 4. Procedure.

Sec. 35-3175. Preapplication conference.

Prior to filing an application for PRD approval, the prospective applicant shall request a preapplication conference with the director of planning. Upon receipt of a request, the planning director shall schedule a conference within ten (10) working days. At the conference the general outline of the PRD proposal, evidenced schematically by sketch plans, shall be presented by the applicant. Thereafter, within ten (10) days the director of planning shall furnish the applicant with his written comments regarding the conference, including appropriate recommendations to inform and assist the applicant in the preparation of his development.

Sec. 35-3176. Zoning.

(a) Requirements generally. All zoning procedures, including fee payment, shall be in accordance with section 35-3024 of this chapter.

(b) Zoning diagram. Two (2) copies of a zoning diagram at a scale no smaller than one (1) inch to two hundred (200) feet (one (1) inch equals two hundred (200) feet) illustrating the existing zoning and land use of the entire PRD site shall be submitted to the director of planning. The diagram shall also indicate the general location of the property in relation to the surrounding area.

(c) Development plan. At the time of the request for PRD zoning, a development plan accompanied by the processing fee specified in Exhibit C shall be submitted to the director of planning. The processing fee shall be in addition to any other required fees.

(d) Expedited processing. An applicant for PRD zoning may request expedited processing whereby the city council hearing shall be automatically scheduled for the week after the zoning commission makes its recommendation to the council. A single notice of both the zoning commission and city council hearings shall be provided to owners of real property lying within two hundred (200) feet of the property on which the PRD classification is proposed. A fee, apart from the zoning application fees, may be provided for the expedited processing.

Sec. 35-3177. Development plan.

(a) The development plan shall include both written documents and a layout of the entire PRD area. The applicant shall submit one reproducible and thirty-five (35) nonreproducible copies of the development plan.

(b) The site layout shall indicate:

- (1) Site size and locational information to include scale, north arrow, and perimeter boundaries.
- (2) Major physical features such as creeks, floodplains, utility and drainage easements/rights-of-way, significant vegetation, and topography (with contours at no more than ten (10) foot intervals).
- (3) Proposed land uses (including bufferyards) by location, type, density, and size.
- (4) Existing and proposed circulation system of arterial, collector, residential type B streets.
- (5) Adjacent land uses to include streets and zoning classifications (if applicable).

(c) Written documents shall include:

- (1) Name and address of the applicant and owner, if different from the applicant.
- (2) Description of the intended character of the PRD.
- (3) Quantitative data for the following:
 - a. Total area within the PRD;
 - b. Area designated for nonresidential uses;
 - c. Area within the floodplain;
 - d. Residential area;
 - e. Total base density entitlement;
 - f. Proposed dwelling units by number and type.
- (4) Statement of applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as open space, residential parcels, bufferyards, and commercial sites.
- (5) A staging schedule if appropriate.
- (6) Legal documents as required by the director of planning to include a list of owners of real property lying within two hundred (200) feet of the proposed PRD if it is located outside the city limits.

(d) In addition to these requirements, the applicant shall submit the necessary information to qualify for any desired density bonuses.

Sec. 35-3178. PRD coordinating committee.

There is hereby created a PRD coordinating committee composed of the directors or their authorized representatives of the

following departments: planning (chairman), building inspections, public works (to include drainage, wastewater, and traffic divisions, and the aquifer protection office as necessary), fire, parks and recreation, and any other departments or agencies as requested by the chairman. Within twenty (20) days after submission of a completed development plan, the committee shall review the plan and, through the chairman, schedule the plan along with its comments and recommendations for consideration by the planning commission at the first meeting of the commission following consideration of the zoning request by the zoning commission. Prior to forwarding its comments and recommendation to the commission, the committee shall meet with the applicant if either party deems such is necessary.

Sec. 35-3179. Development plan approval.

(a) The planning commission may approve a development plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be stamped "approved planned residential development" and be signed by the chairman and secretary of the planning commission.

(b) Prior to formal consideration of a plan for a PRD which is outside the city limits, the planning commission shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the public hearing, giving notice of the time and place of such hearing, shall be published in an official paper or a paper of general circulation in the city. Written notice of the hearing shall be mailed to owners of real property lying within two hundred (200) feet of the property which is proposed for the PRD. Such notice shall be given not less than ten (10) days before the date set for the hearing.

(c) One (1) copy of the approved development plan shall be submitted to the director of building inspections for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary for other departments and agencies. Prior to issuing a building permit within a PRD, the department of building inspections shall secure verification from the department of planning.

(d) Criteria for development plan approval shall not be limited to compliance with the requirements of this article, but shall also include overall site design and satisfactory integration of the PRD with surrounding land uses.

Sec. 35-3180. Changes to a development plan.

(a) Minor changes. After favorable action by the planning commission, minor alterations to the development plan which do not substantially change the concept of the PRD may be approved by the director of planning, if required by engineering or other circumstances not foreseen at the time the plan was approved.

Minor changes may not cause any of the following:

- (1) An increase in the overall density.
- (2) A reduction of more than twenty (20) percent in any bonus provision.
- (3) An increase in the intensity of use along the perimeter of a PRD.
- (4) A change in the location or an increase in the area of non-residential uses.

(b) Major changes. Substantial alterations shall be resubmitted for consideration by the planning commission following the same procedure required in the original adoption of the plan. Changes in the density allowance caused by an addition or deletion to the area of a partially developed PRD shall apply to the entire PRD and not only to the remaining undeveloped portion.

Sec. 35-3181. Platting.

The property proposed for PRD shall be platted as required by article iv of this chapter. As platting requirements will be dictated by the proposed development plan, the plan must be approved prior to or simultaneously with the approval of the initial plat.

Sec. 35-3182. Staged development.

(a) If development of the PRD is to occur in phases, then a staging schedule shall be submitted as part of the development plan. The staging schedule shall indicate as precisely as possible the timing, land uses, and density bonus features of each phase. General benefit features provided in return for density bonuses shall be developed or guaranteed in proportion to the number of dwelling units to be constructed during any given phase of development.

(b) During the progress of development, the number of constructed dwelling units at any point in time shall not exceed the overall density established by the approved development plan staging schedule. Compliance with density limitations and provision of general benefit features shall be enforced through monitoring of platting activity. The planning commission may require performance guarantees in a form that complies with the provisions of article iv of this chapter to ensure that the various stages of the total development will be constructed as planned and approved.

Commentary: A PRD maintains its integrity only when all of the complementary parts of the whole development are intact. If one element is omitted or out of proportion with the other elements (such as the commercial residential ratio), the PRD sacrifices its planned integrity and may be seriously damaged. For example, if in a PRD containing a mixture of housing types and open

spaces, the higher density housing is constructed in the earlier stages of the project with the open spaces included in the latter stages, the intent of the PRD design will be seriously violated if the project stops midway. The provisions of this re intended to guard against such an eventuality.

Sec. 35-3183. Conveyance.

A planned residential development may qualify for density or other bonuses through the provisions of specified general benefit features. The staging schedule which is part of the development plan must coordinate the provision of the general benefit features with the construction of the residential dwellings. To ensure general benefit features are properly maintained and to prevent infringement on their designated uses, all general benefit features shown on the development plan and designed to be shared in common must either be:

(a) Conveyed, with the approval of the planning commission, to a public or semipublic agency if that agency agrees to accept conveyance and to maintain the general benefit features; or

(b) Conveyed to a community association or similar organization which shall be responsible for the maintenance and improvement of the general benefit features.

Sec. 35-3184. Deed restrictions.

If general benefit features are not conveyed to a public or semipublic agency, perpetual dedication and maintenance of the features shall be provided through deed restrictions. The deed restrictions shall run with the land, describe the general benefit features and their maintenance responsibilities, and provide for restricting the use of the general benefit features for the purposes designated in the development plan. All lands and facilities so guaranteed shall be subject to the right of the grantee(s) to enforce maintenance and improvements of the general benefit features. Deed restrictions for general benefit features may terminate with a change in the development plan or a change in zoning if, in either case, no development has occurred which used density increment factors associated with the general benefit features. When general benefit features are platted, the applicant shall provide the city with two (2) copies of the deed restrictions, one (1) copy of which shall be recorded by the city at the time of plat recordation. A fee, apart from the plat recordation fee, shall be provided for recording the deed restrictions.

Sec. 35-3185. Guarantee of performance.

When general benefit features which require site improvements other than the construction of dwelling units are involved in a plat, a performance agreement to ensure their establishment shall be executed by the applicant and filed with the planning commission together with the plat as provided for in article iv

of this chapter. Subject to verification by the city, the obligation imposed by the performance guarantee shall be released by the city upon receipt of a letter from the applicant certifying that all required site improvements for the general benefit features have been completed.

Sec. 35-3186. Community associations.

When a community association is established to own, operate, or maintain general benefit features, bufferyards, and/or private streets or utilities, the applicant shall file with the development plan a declaration of covenants and restrictions which shall govern the association. Establishment of an association shall be in accordance with the following provisions.

- (1) The association of owners must be established before the first dwelling unit closing.
- (2) The common areas and facilities and the residential unit areas shall be properly defined in the legal descriptions and shall be consistent with the approved development plan.
- (3) Mandatory membership of all owners within the PRD is required in the association and the owners shall have an obligation to share the responsibility for the expenses incurred by the association in meeting its responsibilities, i.e., the assessment levied by the association can become a lien on the property.
- (4) Common area and facility restrictions and reservations are to be permanent, and all owners are to be granted perpetual easements or rights of use of areas and facilities held in common.
- (5) Responsibilities of the association are to include obtaining appropriate property, casualty, and liability insurance covering the common areas and association activities, as well as responsibility for meeting the obligation of payment of local taxes. The association assessment fee must be able to be adjusted to meet changing needs.
- (6) The establishment of a sinking fund or reserve fund for the purpose of capital repair and replacement of common area facilities and equipment is required.
- (7) A written agreement must be executed with the city stating that any time the maintenance of the common area and/or facilities falls below established health or minimum housing standards, the city may, at its option, after giving proper and reasonable notice and observing due process of law, undertake or contract for maintenance of the common

area/facilities and assess the community
association or the individual property owners for
the cost of the maintenance.

Part 5. Bonuses.

Sec. 35-3191. Types of bonuses.

This section provides for density increment, dwelling unit, and nonresidential area bonuses. Density increment bonuses are expressed as a percent increase in the base density (eight (8) du/acre) for the entire PRD residential acreage. Dwelling unit bonuses are expressed as a specified number of additional dwelling units per bonus. Nonresidential area bonuses are expressed as a percent increase above the base five (5) percent of the total area permitted for nonresidential uses. Bonuses are to be treated as additive and not compounded. Fractional bonuses of one-half (1/2) or more shall be considered as a whole unit in applying bonus provisions. Bonuses must be approved by the planning commission and general benefit features may not be applied to more than one (1) bonus provision.

Commentary: Example calculation of density increment bonuses.

Given: Density increment bonus A = 5%
 Density increment bonus B = 8%
 Density acreage = 50 acres

1. Determine total base density: 50 acres x 8 du/acre = 400 du
2. Determine bonus A: 400 du x .05 = 20du
3. Determine bonus B: 400du x .08 = 32 du
4. Calculate total density entitlement: 400 + 20 + 32 = 452 du

Sec. 35-3192. Open space.

(a) Generally. Common open space may be provided as a general benefit feature. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space should be appropriate to the scale and character of the PRD, considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Common open space should be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are intended therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

(b) What constitutes open space. Up to seventy-five (75) percent of the common open space may be water surfaces, golf courses, and/or slopes over fifteen (15) percent. Bufferyards

may be considered as common open space provided they are accessible to the residents of the PRD. Utility and drainage easements/rights-of-way may be considered as common open space provided:

- (1) The easement/right-of-way has a minimum average width of thirty-five (35) feet;
- (2) The easement/right-of-way has a minimum width of twenty-five (25) feet for no more than twenty (20) percent of its length; and
- (3) Improvements to drainage easements/rights-of-way are limited to flood fringe fill encroachment and other improvements as approved by the city drainage engineer, e.g., clearing of a choke point. No fill may be placed in the floodway.

Commentary: The floodway is the channel and the adjacent land areas that must be reserved in order to discharge the 100-year flood without increasing the water surface elevation above its natural level. The flood fringe is that portion of the floodplain outside of the floodway based on the total area inundated during the 100-year flood.

(c) Drainage improvements. Drainage easements/rights-of-way may be improved to increase the flow capacity such as by removing brush and pruning trees. In such instances, the width of the drainage easement/right-of-way may be based on the improved floodplain rather than the unimproved natural floodplain. If utility and drainage easements/rights-of-way are not of sufficient width to qualify as common open space, they may be integrated with additional open space to meet the minimum dimensional requirements.

(d) What does not constitute open space. Common open space does not include public or private streets or alleys, driveways, walks, parking areas, school sites, landscaped or open land within areas designated for nonresidential uses, private yards or patio areas, narrow strips between or in front of dwelling units, or in general, areas reserved for the exclusive use of individual tenants/property owners.

(e) Bonus.

- (1) For each one (1) percent of the total PRD area in open space, a density increment bonus of one and one-half (1.5) percent will be granted. A minimum contiguous area of one-half acre is required to qualify for this bonus.
- (2) Improved or unimproved public open space within a one-half-mile radius of PRD and which is accessible to the public may be included as part of the common open space calculation based on the following formula: $x = 0.5a - ab$.

Where x = area to be included as part of the common open space dedication,

a = area in acres of public open space, and

b = distance in miles from the perimeter of PRD to the perimeter of the public open space as measured along the usual route of pedestrian travel.

(f) Requirements of plan. The development plan must indicate the dimensions and location of all proposed common open space and the stages at which it will be dedicated and developed. The plan should also specify the total area of the common open space and its percentage of the residential area.

Sec. 35-3193. Street landscaping.

(a) Generally. Landscaped street esplanades or medians and central islands in cul-de-sacs or closed loop streets provide aesthetic and environmental benefits and increase the attractiveness of the residential setting. To minimize costs, landscaping should consist of native or naturalized plants to include low maintenance ground cover, perennials (including wildflowers), shrubs and trees.

Central islands may be designed for parking provided they are adequately landscaped to buffer adjacent residences. Cul-de-sac designs must comply with the minimum paved driving surface requirements established by article iv, this chapter.

(b) Bonus. A dwelling unit bonus of one (1) dwelling unit may be earned for every seven hundred fifty (750) square feet of esplanade or of landscaped area in a cul-de-sac or closed loop street. Landscaped areas need not be contiguous.

(c) Requirements. To qualify for this bonus, esplanades must have a minimum width of seven and one-half (7.5) feet and central islands must have a minimum area of one thousand five hundred (1,500) square feet. For culs-de-sac, the ratio of the landscaped area to the street length must be a minimum of seven and one-half to one (7.5:1).

The following table indicates the minimum central island area for each one hundred (100) feet length of cul-de-sac.

<u>Cul-de-sac Length</u> (Feet)	<u>Minimum Central Island Area</u> (Square Feet)
100	1,500
200	1,500
300	2,250
400	3,000
500	3,750

(d) Plan. A landscaping plan, drawn to scale, shall accompany the development plan indicating typical dimensions, design, and plantings by species, size, and location. Provision shall be made for irrigating landscaped areas unless it is demonstrated that irrigation is not required.

Sec. 35-3194. Nonresidential landscaping.

(a) Generally. An increase in the nonresidential area may be earned for landscaping nonresidential uses. A prerequisite for this bonus is that all parking or loading areas providing ten (10) or more spaces shall be improved with defined landscaped areas totaling no less than twenty-five (25) square feet per parking space and uniformly distributed throughout the parking or loading areas. Parking landscaped areas shall be a minimum of five (5) feet in width and protected with curbing. Other landscaped areas may include the use of flagpoles, screens, terraces, patio, fountains, pools, and other water arrangements as well as various types of trees, shrubs, and ground cover.

(b) Bonus. The minimum percentage of the total nonresidential area required to be landscaped is specified in the table below. Computation of this minimum may include areas landscaped as part of the parking or loading area requirements.

<u>Minimum Landscaped Area</u> (Percentage)	<u>Bonus</u> (Percentage)
15	3.0
20	4.5
25	5.5
30	6.0

(c) Requirements. A landscaping plan, drawn to scale, shall accompany the applicable plat indicating appropriate dimensions; number of parking spaces; and existing or proposed vegetation by species, size, and location.

(d) Irrigation. Provision shall be made for irrigating plant areas unless it is demonstrated that irrigation is not required.

Sec. 35-3195. Uniform signs.

(a) Bonus. An increase of four (4) percent in the nonresidential area may be earned for controlled and uniform signage which meets the following requirements. Each nonresidential area is limited to:

- (1) One (1) on-premises commercial pole sign to provide an index of tenants and not to exceed twenty (20) feet in height or four hundred (400) square feet in size, and
- (2) One (1) attached flat sign for each establishment not to exceed one hundred (100) square feet in size and not to project more than eighteen (18) inches from the building surface. Signs must be restricted to uniform color, lettering, and composition and must also comply with the sign code of the city.

(b) Requirements. At the time a nonresidential plat is filed, the applicant shall submit to the planning department a graphic illustration of the proposed signage along with two (2) copies of deed restrictions establishing the sign standards. One (1) copy of the deed restrictions shall be recorded by the city at the time of plat recordation. A fee, apart from the plat recordation fee, shall be provided for recording the deed restrictions.

Sec. 35-3196. Mass transit access.

(a) Generally. Efficient mass transit access to residential subdivisions depends on minimizing travel distances. From this perspective, it is desirable that transit routes be laid out in a relatively straight line to the extent possible, and that loops or double-back patterns be avoided. Subdivisions should have either ingress-egress streets at each end or on each side to facilitate directness of transit travel to and from arterial streets. Adjacent subdivisions should also be connected to avoid the necessity of a transit vehicle leaving one (1) subdivision and returning to an arterial street in order to enter an adjacent subdivision. The internal street pattern should allow transit vehicles to reach within one-quarter (1/4) mile of a maximum number of dwelling units with a minimum amount of indirect travel.

(b) Bonus.

- (1) A density increment bonus of five (5) to ten percent may be granted for a PRD which includes an internal collector and/or residential type street system which:

- a. Either has two (2) separate access points or interconnects the PRD with adjacent subdivisions, and

b. Is located within one-fourth (1/4) mile of seventy-five (75) percent of the dwelling units within the PRD.

(2) Transit street intersections and curves must have a minimum radius of twenty-five (25) feet. Transit street pavement thickness shall meet the minimum standards for collector streets unless a lesser thickness is approved by the director of public works.

(c) Requirements. Granting of this bonus is subject to favorable recommendation by VIA Metropolitan Transit. In conjunction with the development plan, the applicant shall submit a favorable recommendation from VIA to include a recommendation as to the density increment bonus to be granted.

Sec. 35-3197. Nonresidential uses.

(a) Bonus. Recognizing that the PRD imposes more stringent requirements on nonresidential uses than do other zoning classifications, a bonus will be granted to encourage their inclusion within a PRD. For each one (1) percent of the total area within a PRD in nonresidential uses, a density increment bonus of one-third (1/3) percent may be earned.

(b) Requirements. The development plan should indicate the total density bonus for which the PRD qualifies.

Sec. 35-3198. Discretionary bonus.

(a) Generally. At its discretion, the planning commission may grant bonuses for features which do not qualify under any other bonus option. Bonuses may be granted for, but are not limited to, such features as off-site improvements, special landscaping or water treatments, innovative or aesthetically pleasing design characteristics, outstanding architecture, preservation of outstanding or unique environmental amenities and historical structures, unusually harmonious adaptation to site constraints, provision of land and/or structures for public facilities, energy conservation, and innovative integration of different uses into a unified entity.

(b) Bonus. The planning commission may grant density increment and dwelling unit bonuses up to a maximum of twenty-five (25) percent of the base density as well as nonresidential area bonuses up to a maximum of five (5) percent above the fifteen (15) percent granted by other bonus provisions.

(c) Requirements. The applicant may request this discretionary bonus upon submission of the development plan.

Sec. 35-3199. Future bonuses.

It is intended that additional bonuses will be developed as experience with this article indicates the need and as the necessary background data is assembled to determine equitable tradeoffs. Future bonuses may include ones for affordable housing, reduction in utility infrastructure, solar orientation, and provision of vehicle/boat storage areas.

Subdivision B. Business Park District

Sec. 35-3201. Purpose of business parks.

This zone is designed for business uses which carry on their operation in enclosed facilities in such a manner that no negative impact is created outside of the boundaries of the business park district.

Sec. 35-3202. Permitted uses.

(a) Within the business park district no building, structure, or land shall be used for any purpose other than the following, or any combination thereof, providing that such uses take place within a completely enclosed building in such a manner that no nuisance factor is created outside of the park district boundaries, and in accordance with the performance standards for this zone:

- (1) Office uses.
- (2) Wholesaling, research and development, manufacturing, processing, fabrication and assembly, testing, repair, servicing, storage, laboratory, warehousing, display, or distribution of goods, materials, or products.
- (3) Fire station, police station, post office, governmental inspection station, or governmental service center.
- (4) Retail incidental to or in support of any of the principal permitted uses.
- (5) Accessory uses as set forth below.

(b) Accessory uses, whether located within a plant facility for its sole use or within a separate facility to be shared in common by occupants of the business park district, shall be demonstrably related to the permitted principal uses and provided primarily for the convenience, use, and service of occupants of the business park and their visitors. Authorized accessory uses include the following:

- (1) Personal services such as cafeteria, restaurant, barber/beauty shop, newsstand, laundry/dry cleaning pickup station, sundries store, or child day care center, provided that such facilities shall have no advertising display other than directional or informational signs.
- (2) Recreational facilities, industrial health clinics and first aid stations, technical libraries,

auditoriums, employee training facilities, meeting and display rooms.

- (3) Outdoor storage provided that the requirements for screening are met, and that not more than ten (10) percent of each lot is so used.
- (4) Temporary buildings, trailers, and vehicles for uses incidental to construction work.
- (5) Other accessory uses and structures customarily incidental to any permitted principal use.

(c) Any permitted uses having to do with food or food products shall comply with the requirements set forth in Chapter 13 of the City Code (Food and Food Handlers).

Sec. 35-3203. Performance standards.

(a) It is the intent of these regulations to prevent any use or operation, including those permitted by right, from creating any dangerous, injurious, noxious, or unreasonably objectionable condition so as to adversely affect the surrounding area. Specifically, all uses shall operate in conformance with the standards set forth in each subsection below.

- (1) Air pollution. All uses within a business park district shall operate in compliance with the most current revision of the regulations of the Texas Air Control Board pertaining to the control of air pollution. The city hereby adopts by reference these regulations, a copy of which is on file in the offices of the city clerk and the planning department.
- (2) Noise. All uses shall comply with the provisions of Chapter 21, Article III of the City Code, Noise, and shall not create a noise nuisance as defined in said Article III of Chapter 21.
- (3) Glare and heat. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.
- (4) Vibration. All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the business park district.

- (5) Noxious odors. The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the business park district.
- (6) Toxic and liquid wastes. The discharge of any toxic or liquid waste material into any outdoor water course or drainage way shall be prohibited.
- (7) Fire and explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code as adopted by the city. The storage of petroleum and other flammable products is permitted only as an incidental use and is prohibited in above ground tanks.
- (8) Radioactivity. No operation shall cause radioactivity at any lot line in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.
- (9) Electromagnetic radiation. No operation shall be conducted which shall adversely effect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation

(b) Outside storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) so as to completely screen all operations conducted within such wall from observation outside the business park district. The wall shall be at least six (6) feet, but not more than twelve (12) feet in height. No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.

(c) Structures other than buildings which are visible from view outside of the business park district shall be screened by plantings, landscaping, and/or a solid wall/fence at least six (6) feet in height.

(d) Upon application for a certificate of occupancy for any use in a business park district, the director of building inspections may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of planning shall provide verification of the proposed use(s) upon request from the director of building inspections.

Sec. 35-3204. Area, setback, and height requirements.

(a) 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.

(b) Setbacks.

(1) No building or other structure, except streets, walks, and parking 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.

(2) 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.

(c) 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.

Sec. 35-3205. Yard requirements.

(a) Bufferyards.

(1) Along the perimeters of a business park district abutting developed residential areas, a bufferyard which satisfies any of the options below shall be installed and maintained. Bufferyard requirements are stated in terms of the width of the bufferyard and the minimum number of plant units required per one hundred (100) linear feet of bufferyard.

Minimum Plant Units/100	Bufferyard Width			
	20'	25'	30'	40'
Canopy trees	3	4	3	2
Understory trees	4	6	5	4
Shrubs	25	36	28	22
Masonry wall	*	-	-	-

*Under this option, a six (6) foot high masonry wall shall be erected on the interior boundary of the bufferyard.

- (2) Along the perimeters of a business park district abutting undeveloped or nonresidential areas, a bufferyard with a minimum width of ten (10) feet shall be installed and maintained. The minimum plant requirements per one hundred (100) linear feet of bufferyard shall include: One (1) canopy tree, two (2) understory trees, and three (3) shrubs.
- (3) Utility and drainage easements/rights-of-way may be considered as part of a bufferyard provided all other requirements of this section are met.
- (4) Bufferyards shall be landscaped and attractively maintained. An underground irrigation system shall be installed and maintained within all bufferyards. Plants may be any combination of evergreen and deciduous trees and shrubs. Newly planted materials shall meet the minimum size standards indicated in the table below. In addition to trees and shrubs, bufferyards shall be planted with lawn, native grasses, or evergreen ground cover. See listing of tree species recommended by the Texas Forest Service for the San Antonio area in Exhibit F.

Minimum Plant Size

<u>Plant type</u>	<u>Size</u>
Canopy trees	2.5-inch caliper
Understory trees	1.5-inch caliper
Shrubs	1.5 feet in height

Note: Caliper is the measurement of the size of a tree equal to the diameter of its trunk measured one foot above the ground. Canopy trees generally attain a mature height of thirty (30) feet or more. Understory trees range between ten (10) and thirty (30) feet in height.

- (5) A waiver to the requirements in sections 35-3205(a)(1) through 35-3205(a)(3) above may be granted for a xeriscape bufferyard if approved by the director of parks and recreation. The waiver may also include the requirements for an irrigation system.
- (6) Plant requirements shall be applied proportionally to bufferyard lengths of less than one hundred (100) feet. Existing land and/or plants which otherwise meet the requirements above may be counted toward satisfying bufferyard requirements.
- (7) Bufferyards shall be platted as separate lots and shall be accompanied by a bufferyard plan which shall be a formal part of the zoning ordinance. The

plan shall be drawn to scale and include the following information.

- a. Location and type of existing vegetation, if any;
- b. General location and types of proposed canopy trees, understory trees, shrubs, and ground cover;
- c. Location and type of wall to be constructed, if applicable;
- d. A description of how the bufferyard will be maintained;
- e. An irrigation system plan bearing the seal of a landscape architect or licensed irrigator registered by the State of Texas;
- f. Seal of a landscape architect registered by the State of Texas.

(8) Bufferyards shall be considered as required site improvements and when they are platted, a performance agreement to ensure their establishment shall be executed by the applicant and filed with the planning commission together with the plat as outlined in article iv, this chapter. The obligation imposed by the performance guarantee shall be released by the city upon receipt of a letter from the applicant certifying that bufferyard requirements have been completed, subject to verification by the city.

(9) Perpetual dedication and maintenance of bufferyards shall be provided through deed restrictions. The deed restrictions shall run with the land, establish the bufferyard maintenance responsibilities, provide for restricting the use of the bufferyards for the purposes designated in this section, and allow right of entry by the city for maintenance, if necessary. When bufferyards are platted the applicant shall provide the city with two (2) copies of the deed restrictions, one copy of which shall be recorded by the city at the time of plat recordation. A fee, apart from the plat recordation fee, shall be provided for recording the deed restrictions.

(10) At any time structures and/or plant materials within a bufferyard are not maintained in a manner which ensures its intended purpose, the City of San Antonio reserves the right, after giving proper and reasonable notice and observing due process of law, to undertake or contract for, the maintenance of the bufferyard and to assess the owner(s) for the cost of the maintenance.

(b) In addition to perimeter bufferyards, not less than ten (10) percent of each lot within a business park district shall be maintained as landscaped areas.

Sec. 35-3206. Access.

(a) Vehicular access. Vehicular access to a business park district shall be permitted only from major thoroughfares. The classification of any street as a major thoroughfare shall be determined by the City of San Antonio's Major Thoroughfare Plan.

(b) Pedestrian access. Sidewalks shall be provided on public and private streets in accordance with the requirements of article iv, this chapter.

Sec. 35-3207. Streets.

(a) Generally. Streets within a business park district may be public and/or private. The planning commission may, however, require dedication of right-of-way and construction of paving for a public street(s) through or into a business park district as the commission deems necessary.

(b) Private streets. Private streets shall comply with the specifications and design standards set forth in article iv, this chapter.

(c) Safety considerations.

(1) Vehicle access points shall be located so as to provide a minimum of conflict between internal traffic and the traffic on adjacent streets.

(2) Parking shall be prohibited on any private street less than thirty (30) feet in width.

(d) Pedestrian access. Sidewalks shall be provided on public and private streets in accordance with the design specifications of article iv, this chapter.

Sec. 35-3208. Off-street parking, landscaping, and loading.

(a) Parking. No parking shall be permitted on any street, drive, alley, or any place other than paved parking areas. Space for off-street parking and storage of vehicles shall be provided in accordance with the minimum requirements of this chapter. All parking areas shall have proper drainage, be curbed and paved, with individual spaces clearly marked, and directional arrows and directional arrows and traffic signs provided as necessary for traffic control. All parking areas visible from outside the boundary of the business park district shall be architecturally screened to a minimum height of four (4) feet with berms and/or landscaping.

(b) Landscaping. Off-street parking areas shall be landscaped with a minimum two (2) canopy trees, one (1) understory tree, and four (4) shrubs per twenty-four (24)

automobile spaces. Existing plant materials may be counted as contributing to the total required landscaping. These requirements shall be applied proportionally to any number of spaces other than twenty-four (24).

(c) Loading. Off-street loading shall be provided in accordance with this chapter. All loading areas shall be paved and, where visible from outside the boundaries of the business park district, shall be screened to a minimum of six (6) feet in height with berms, walls, fences, and/or landscaping.

Sec. 35-3209. Security lighting.

(a) Lights illuminating off-street parking or loading areas shall comply with the following standards as a protection against excessive glare and light spilling over to adjacent properties.

- (1) When a light source has elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees, the maximum permitted height shall be thirty (30) feet.
- (2) When a light source has a cutoff angle of ninety (90) degrees or greater, the maximum permitted height shall be fifteen (15) feet.

(b) The cutoff angle is the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Sec. 35-3210. Signs.

(a) The use of signs in a business park district, is limited to the following functions:

- (1) To identify the business park;
- (2) To inform prospective occupants of the availability of land and buildings therein for sale or lease;
- (3) To identify the occupant of a building within the park;
- (4) To provide directional and safety information to occupants and visitors to the park.

(b) Signs within a business park district shall be in conformity with Chapter 28 of the City Code (Signs and Billboards) and the following:

- (1) Exterior signs may be lighted but no signs or any other contrivance shall be constructed to rotate, gyrate, blink or move in any animated fashion, change light intensity, or change color.

- (2) Signs shall be restricted to advertising only the person, firm, or corporation operating the use conducted on the site, or the product sold or produced thereon. A multi-tenant building may be permitted one common pole sign to identify individual tenants.
- (3) Signs which are attached to buildings must be flush-mounted and shall not project above the roof line.
- (4) Other permitted signs include real estate signs, signs to identify the business park, directional or information signs, and a directory of occupants for each entrance to the park.
- (5) The following signs are prohibited:
 - a. Hanging or projecting signs;
 - b. Portable signs; and
 - c. Billboards.

Sec. 35-3211. Development plan.

(a) At the time of the request for business park zoning, a development plan shall be submitted to the director of planning. The development plan shall include:

- (1) All information required by article ii, division 2, Preliminary Overall Area Development Plan;
- (2) Bufferyard boundaries; and
- (3) Building setback lines.

(b) An application for business park zoning shall not be considered filed until a development plan is submitted. The development plan shall be reviewed by the director of planning who shall prepare a formal written report indicating whether the proposed development as reflected on the plan is in compliance with the requirements of this division.

(c) The report from the director of planning and the development plan shall not be a formal part of the zoning ordinance; however, they shall be presented to the zoning commission and the city council during their consideration of the zoning request.

Division 8. Permitted Uses

Subdivision A. Tables of Permitted Uses

Sec. 35-3251. Tables.

(a) Permitted uses within San Antonio's zoning districts are shown in two separate tables - those permitted in residential districts and those permitted in nonresidential districts. Included in both tables are special performance districts and the Edwards Recharge Zone District (ERZD), an overlay district. For each regular zoning district with an overlay designation, it will be necessary to adhere to the restrictions of both designations.

(b) In preparing tables of permitted uses for easy review, it is not possible to include all ordinance restrictions in a one cell designation. Therefore, it is imperative to follow both the section that describes the zoning district and its restrictions as well as the specific uses allowed in that district.

(c) Where a particular use is not listed in the tables of permitted uses, a factual determination of its classification shall be made by comparing its use to those listed and to the general purposes of the zoning districts as specified in this article.

Sec. 35-3252. Symbols.

The tables of permitted uses found in sections 35-3261 and 3262 of this division indicate the following:

(a) Uses permitted in certain zones are indicated by the symbol "X".

(b) Uses permitted in certain zones but requiring special approval by the city council are indicated by the symbol "CC".

Sec. 35-3253. Standards for uses requiring special approval.

(a) The city council may, after public hearing and proper notice to all parties affected and after recommendation from the city's zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize the location of certain uses as specified in the tables of permitted uses by the symbol "CC".

(b) The uses requiring special approval of city council include those involving public utilities, public institutions, areas and facilities related to urban development; athletic fields in districts where special attention to size, times of use, lighting, parking and other factors is necessary for protection of surrounding properties; some uses in the Edwards Recharge Zone which operations might pollute the Edwards Aquifer; and certain uses which, due to the emission of smoke, dust, noise or noxious odors, may constitute a hazard to the health, safety and welfare of persons in nearby populated areas.

(c) The zoning commission, in those instances wherein special approval of city council is required, shall consider each such proposed use and make its recommendations to the city council with reference thereto including its recommendations as to requirements for proper platting in accordance with the subdivision regulations, proper location with respect to the master plan, means of ingress and egress to the public street, requirements for the paving of streets, alleys and sidewalks, provision for drainage, parking spaces, and street layout, protective screening and open space, necessity for restricting population densities in certain areas, the proposed activity measures to prevent the pollution of the Edwards Aquifer including standards as set forth in Texas Administrative Code, 31 TAC 331.1 - 331.11, setbacks greater than would otherwise be required, and methods of conducting certain uses or operations or other conditions.

(d) In granting special approvals, the city council may impose conditions which must be complied with by the grantee before certificates of occupancy may be issued for such use of the property. Other conditions may be imposed concerning the method or type of operation. Conditions will be for the benefit and protection of adjacent or surrounding uses or property, and in case of conditions pertaining to the method or type of operation, the conditions must be complied with for legal operation pursuant to such special approval. Failure to abide by any condition constitutes a violation of this chapter.

(e) At the time of granting special approval for athletic fields in residential, office or light commercial zones, the council may limit the duration of such use to a time period of not less than two (2) years, so that upon completion of such period as so established by the council, the use of property for such purpose must cease, unless a new special approval is granted by the council after following the same procedures involving notices and hearings as was followed originally and after receipt of recommendations from the zoning commission and a report from city staff concerning violations of any conditions or detrimental effects the use has had on adjacent property.

Sec. 35-3258. Special Use Permit (SUP)

(a) Notwithstanding the terms of this chapter, existing uses which do not conform to the zoning district of the property affected may be permitted to continue as provided in this section so long as:

- (1) The termination of such use will result in unnecessary hardship.
- (2) Such continued use will not be contrary to the public interest.
- (3) Such continued use will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- (4) Such continued use will be in harmony with the spirit and purpose of this chapter.
- (5) The plight of the applicant for which the continued use is sought is due to unique circumstances existing on the property and/or within the surrounding district.
- (6) The continued use will not substantially weaken the general purposes of this chapter or the regulations established in this chapter for the special district.
- (7) The continued use will not adversely affect the public health, safety and welfare.

(b) The city council, after public hearing and proper notice to all affected parties and after recommendation from the zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, may specially authorize the location of uses as specified in subsection (c) below, under a special use permit, subject to the conditions set forth in this section. The granting of a special use permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

<u>(c) Use authorized by right in:</u>	<u>May be specially permitted in:</u>
(1) Any residential district, O-1, B-1, B-2NA, B-2	(1) Any residential district
(2) B-1, B-2NA, B-2, B-3, B-3R, B-3NA	(2) O-1, B-1, B-2NA, B-2
(3) I-1	(3) B-3, B-3R, B-3NA

(d) The granting of a special use permit shall be considered as zoning change, and the applicant shall comply with the zoning procedures for obtaining a change in the zoning district classification to include payment of all applicable fees.

(e) In considering a request for special use permit, the zoning commission shall make its recommendations to the city council with reference to the use as well as to requirements for proper platting, protective screening or buffering, hours of operation, parking, lighting, and other requirements as necessary to protect surrounding properties. If the zoning commission recommends denial of a SUP, the zoning change shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(f) In granting a special use permit, the city council may impose conditions which must be complied with by the applicant before a certificate of occupancy may be issued for such use of the property. Other conditions may be imposed concerning the method or type of operation which must be complied with for legal operation pursuant to the granting of the special use permit. Failure to abide by any conditions shall constitute a violation of this chapter.

(g) The following conditions apply to the operation of nonresidential special uses permitted within any residential district:

- (1) There shall be no exterior display or sign with the exception that a nameplat, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- (2) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- (3) Hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.
- (4) Granting of a nonresidential special use permit in a residential zone shall be for a definite period of time not to exceed two (2) years. Thereafter, the applicant shall go through the procedure outlined in subsection (d) above to renew a special use permit. Failure to renew the permit shall terminate the special use.

(h) The special use permit shall be indicated by the symbols SU following the zoning district designation; e.g., R-1 (SU).

(i) A variance may not be granted to any condition specified in this section or to any condition imposed by the city council.

Sec. 35-3261. Table of Permitted Uses in Residential Districts.

Permitted uses	Zoning Districts										
	R-A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-7	ERZD	PRD
Accessory uses	X	X	X	X	X	X	X	X	X	X	X
Athletic fields	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
Batching plant	CC										
Child day care center, nursery, and kindergarten for 20 or less children	CC	CC	CC	CC	X	X	CC	CC	CC	X	CC
Child day care center, nursery, and kindergarten for over 20 children				CC	X					X	X
Church	X	X	X	X	X	X	X	X	X	X	X
College fraternity					X					X	X
Dwelling, 1 family	X	X	X	X	X	X	X	X	X	X	X
Dwelling, 2 family			X	X	X	X		X		X	X
Dwelling, 3 family				X	X	X				X	X
Dwelling, 4 family				X	X	X				X	X
Dwelling, mobile home						X				CC	X
Dwelling, multifamily					X	X				X	X
Family home	X	X	X	X	X	X	X	X	X	X	
Farming and truck garden	X									CC	
Golf course, golf driving range, pitch-and-putt	CC	CC	CC	CC	CC	CC	CC	CC	CC	X	CC
Home occupation	X	X	X	X	X	X	X	X	X	X	X
Manufactured housing											X
Mobile home park						X				CC	X
Nameplate	X	X	X	X	X	X	X	X	X	X	X
Orphanage					X	X				X	X
Personal services and limited retail*		X	X	X	X	X	X	X	X	X	
Plant nursery	X	X	X	X	X	X	X	X	X	X	X
Private club					CC					X	CC
Radio/television station with transmitter tower	CC									X	
Recreation facility		X	X	X	X	X	X	X	X	X	X
Riding stables	CC										
Rooming house					X	X				X	X
School, elementary	X	X	X	X	X	X	X	X	X	X	X
School, secondary	X	X	X	X	X	X	X	X	X	X	X

Zoning Districts

Permitted uses	R-A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-7	ERZD	PRD
Stone quarry	CC									CC	
Tourist home					X					X	X
Trailer court						X				CC	
University or college	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	
Utility infrastructure	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC

* These uses are intended to serve the residents of a planned unit development only. Documentation shall be required to prove that the types and amounts of these uses can be supported within the development.

Sec. 35-3262. Table of Permitted Uses in Non-residential Districts

	Zoning Districts								
	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Abrasive manufacture						X			
Accessory uses	X		X	X	X	X	X		X
Acetylene gas manufacture, storage							X	CC	
Aerial survey	X	X	X	X	X	X	X	X	
Air conditioning sales, retail			X	X	X			X	
Air conditioning-refrigeration service repair				X	X	X	X	X	
Airports, nongovernmental						CC	CC	CC	
Air products manufacturing						X	X	CC	
Alcoholic beverage manufacture							X		
Alcoholic beverage, retail sales			X	X	X	X	X	X	X
Alcohol distillation, storage							X		
Altering/repairing of apparel			X	X	X	X	X	X	X
Ambulance service				X	X	X	X	X	
Amusement parks					CC	X	X	X	
Animal shelter						X	X	CC	
Antique store		X	X	X	X			X	X
Apartment hotel			X	X	X			X	X
Apothecary			X	X	X	X		X	
Apparel and accessory store			X	X	X	X		X	X
Appliance repair			X	X	X	X		X	
Appliance store, retail sales			X	X	X	X		X	
Armory				CC	CC	CC	CC	CC	
Art gallery and/or museum			X	X	X			X	X
Artificial limb assembly				X	X	X	X	X	
Asbestos products manufacture							X		
Asphalt products manufacture							X		
Athletic fields	CC	CC	CC	X	X	X	X	CC	CC
Auditorium		X	X	X	X	X	X	X	X
Automobile auction				X	X	X	X	X	
Automobile filling station, serv.				X	X	X	X	CC	X
Automobile glass sales & install.				X	X	X		X	
Automobile manufacture							X	CC	
Automobile muffler sales & install.				X	X	X		X	
Automobile parking lot or garage			X	X	X	X	X	X	X
Automobile parts sales			X	X	X	X	X	X	
Automobile rental				X	X	X		CC	
Automobile repair				X	X	X		X	
Automobile storage				X	X	X	X	X	
Automobile/truck sales/service				X	X	X	X	X	
Automobile upholstery sales & install.				X	X	X		CC	
Automobile wrecker service				X		X	X		

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Bag cleaning					X	X	X	CC	
Bait store				X		X		X	
Bakery (retail)			X	X	X			X	X
Bakery (wholesale)					X	X		X	
Bank, savings & loan			X	X	X			X	X
Barber & beauty equipment, wholesale				X	X	X		X	
Barber or beauty shop		X	X	X	X	X		X	X
Batching plant, temporary in B-3 and B-4 (6 months max.)				CC	CC	X	X	CC	
Battery manufacture							X		
Beverage manufacture					X	X	X	CC	
Bicycle/lawnmower repair				X	X	X		X	X
Billiard parlor and pool hall			X	X	X	X		X	X
Blueprinting and photostating			X	X	X	X	X	CC	
Boiler or tank works							X	CC	
Boarding house		X	X	X	X			X	X
Bookbinder				X	X	X		X	
Bookstore		X	X	X	X	X		X	X
Bowling alley				X	X	X		X	
Brewery							X		
Broom, brush manufacture						X	X	CC	
Business college				X	X			X	
Business machine store			X	X	X	X		X	
Building specialties, retail				X	X	X		X	X
Building specialties, wholesale				X	X	X	X	X	
Cabinet or carpenter shop				X	X	X	X	X	
Camera and photographic store			X	X	X	X		X	X
Candy, nut & confectionery store			X	X	X	X		X	X
Can manufacture							X		
Candle manufacture					X	X	X	CC	
Candy manufacture					X	X	X	CC	
Canvas products manufacture					X	X	X	CC	
Carnival or circus, etc.					CC	CC	CC		
Carting, crating, hauling, storage					X	X	X	CC	
Car wash, automatic				X	X	X	X	CC	X
Car wash, self-service			X	X	X	X	X	CC	X
Catering shop			X	X	X	X		X	X
Child day care center	CC	X	X	X	X			X	X
Church	X	X	X	X	X	X	X	X	X
Clinic, dental or medical		X	X	X	X	X		X	X
Clothing manufacture					X	X	X	X	
Clubhouse			X	X	X			X	
Coffee roasting					X	X	X	X	
Cold storage plant					X	X	X	CC	

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Concrete products manufacture						X	X	CC	
Contractor office				X	X	X	X	X	
Correction institution					CC	CC	CC	X	
Cosmetics (compounded only)				X	X	X		X	
Cotton compress, ginning & baling						X	X		
Creamery					X	X		CC	
Dairy equipment sales (wholesale)				X	X	X	X	X	
Dairy products (retail)			X	X	X	X		X	X
Dairy products (wholesale)				X	X	X		X	
Dance hall				X	X			X	
Delicatessen			X	X	X			X	X
Department store			X	X	X	X		X	X
Drug sales (wholesale)				X	X	X		X	
Drug manufacture					X	X	X	CC	
Drug store			X	X	X	X		X	X
Dry cleaning				X	X	X		CC	
Dry cleaning, limited to 5 employees			X	X	X	X		CC	
Dry cleaning (pick-up only)		X	X	X	X	X		X	X
Dry goods, retail			X	X	X			X	X
Dry goods, wholesale				X	X	X		X	
Dwelling (multiple-family)		X	X		X			X	X
Electric repair			X	X	X			CC	X
Electric repair (heavy equip.)					X	X	X	CC	
Electroplating							X		
Elevator maintenance, service					X	X	X	X	
Exterminators				X	X	X	X	CC	
Fairground and stadium					CC	CC	CC	CC	
Family home		X							
Farm equipment sales and service				X	X	X	X	CC	
Farm supplies				X	X	X	X	X	
Feed, seed, fertilizer sales				X	X	X		X	
Felt manufacture							X	CC	
Fish market (wholesale)					X	X	X	CC	
Fish market (retail)			X	X	X			X	X
Fix-it shop				X	X	X		X	
Floor covering sales				X	X	X		X	
Floral shop (completely enclosed)		X	X	X	X			X	X
Floral shop			X	X	X	X		X	X
Florist (wholesale)				X	X	X		X	
Food locker plant (retail)				X	X	X		CC	
Food products manufacture					X	X	X	CC	
Food products (wholesale storage and sale)					X	X		X	
Food store		X	X	X	X	X		X	X

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Freight depot					X	X	X	X	
Fruit and produce, wholesale					X	X		X	
Fruit and produce, retail			X	X	X	X		X	
Funeral home or undertaking estab.				X	X			X	
Fur dyeing, finishing and storing				X	X	X		CC	
Furniture upholstery			X	X	X	X	X	X	X
Furniture repair and upholstery			X	X	X	X		CC	
Furniture, wholesale sales					X	X	X	X	
Furniture, retail sales			X	X	X	X		CC	X
Garden specialties, retail			X	X	X			X	X
Gasoline filling station w/service				X	X	X	X	CC	X
Gasoline filling station without service or car wash			X	X	X	X	X	CC	X
Gift shop		X	X	X	X			X	X
Glass, retail sales			X	X	X	X		X	
Glass, wholesale sales				X	X	X		X	
Glass manufacture							X	CC	
Go-cart track				CC	CC	X	X	CC	
Golf driving range	CC	X	X	X	X	X	X	X	CC
Golf course and country club	CC	X	X	X		X	X	X	CC
Golf course, miniature			X	X	X	X	X	X	CC
Grain drying							X	CC	
Grain milling							X	X	
Greenhouse or nursery									X
Grocery store		X	X	X	X	X		X	X
Grocery (wholesale)					X	X		X	
Gymnasium (commercial)			X	X	X			X	X
Hardware sales, retail			X	X	X	X		X	X
Hardware sales, wholesale					X	X	X	X	
Hatchery					X	X	X	CC	
Head shop			CC	CC	CC				
Heliport						CC	CC	CC	
Helistop			CC	CC	CC	CC	CC	CC	CC
Hobby supply store			X	X	X			X	X
Home occupation		X	X	X	X	X	X	X	X
Hosiery manufacture					X	X	X	CC	
Hospital or sanitarium	CC		CC	CC	X	X		CC	
Hotel			X	X	X	X	X	X	X
Ice house			X	X	X	X		X	X
Ice manufacture					X	X	X	X	
Ice cream manufacture (wholesale)					X	X		CC	
Institution for children or aged		X			X			X	X
Insulation manufacture & fabrication							X	X	

	0-1	B-1	B-2	B-3	4	I-1	I-2	ERZD	PRD
Interior decorating studio		X	X	X				X	X
Jewelry store			X	X	X	X		X	X
Junkyard or salvage yard (See also chapter 16 of this code)							CC		
Kennel					X	X	X	CC	
Laboratory, dental or medical	X	X	X	X	X	X		CC	
Laboratory, research			X	X	X		X	CC	
Laboratory, testing					X	X	X	CC	
Laundry				X	X	X		CC	
Laundry, limited to 5 employees			X	X	X	X		CC	
Laundry or dry cleaning pickup station	X	X	X	X	X			X	X
Laundry and dry cleaning (self-service)			X	X	X			CC	X
Leather goods or luggage store			X	X	X			X	X
Library	X	X	X	X	X	X		X	X
Linen or uniform supply, aper service			X	X	X			CC	
Loan office	X	X	X	X	X			X	X
Locksmith		X	X	X	X			X	X
Lumberyard and building materials					X	X	X	X	
Machine shop					X	X	X	CC	
Machines, tools, and construction equipment sales and service					X	X	X	CC	
Marine sales			X	X	X	X		CC	
Marine & boat manufacturing					X	X	X	CC	
Marine & boat storage					X	X		CC	
Massage parlor			X	X	X			X	
Mattress manufacturing, rebuilding				X	X	X	X	X	
Metal forging or rolling mill							X		
Metal products fabrication						X	X	CC	
Milliner (custom)	X	X	X	X				X	
Millinery manufacture				X	X			X	
Millwork and similar wood products manufacture				X	X	X	X	X	
Miniwarehouse			X		X	X	X	X	
Motel		X	X	X	X	X		X	
Motorcycle sales and service			X	X	X			CC	
Moving and transfer company				X	X			CC	
Music store		X	X	X				X	X
Nameplate (one square foot)	X								
Newsstand		X	X	X	X	X	X	X	X
Novelty and souvenir manufacture				X	X	X		CC	
Nursing home	X	X	X	X				X	X
Office	X	X	X	X	X	X	X	X	X
Office equipment, furniture mfr.						X	X	CC	
Office equipment & supply, retail		X	X	X	X			X	X
Office equipment & supply, wholesale			X	X	X	X	X	X	
Oil well supplies and machinery mfr.							X	CC	

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Oil well supplies and machinery sales					X	X	X	CC	
Optical goods, retail			X	X	X			X	X
Optical goods, wholesale				X	X	X		X	
Optician		X	X	X	X			X	X
Optometry office	X	X	X	X	X			X	X
Orphanage		X			X			X	X
Outside storage					X	X	X	X	
Packing plant (no rendering)						X	X		
Packing and gasket manufacture						X			
Paints, etc. manufacturing and processing							X		
Paint & wallpaper store			X	X	X	X		X	X
Paper products manufacture						X	X	CC	
Paper supplies, wholesale					X	X		X	
Passenger depot				X	X	X	X	X	
Pawn shop				X	X	X		X	
Pecan shelling					X	X	X	X	
Pet grooming, small animals			X	X	X	X	X	X	X
Pet shop				X	X			CC	
Petroleum storage						X	X		
Photographic equip. and supplies, ret.			X	X	X			X	X
Photographic equip. and supplies, whsl.				X	X			CC	
Photographic studio		X	X	X	X	X		CC	X
Picture framing			X	X	X			X	X
Pipe storage						X	X	X	
Planing mill					X	X	X	CC	
Plant nursery, no sales		X							X
Plant nursery and greenhouse, retail			X	X	X				X
Plant nursery and greenhouse, wholesale				X	X	X			
Playground equipment manufacture						X	X	CC	
Plumbing fixture sales, retail			X	X	X			X	X
Plumbing fixture sales, wholesale					X	X		X	
Portable building sales				X	X	X	X	X	
Post office			X	X	X	X	X	X	X
Poultry flock (cage hen operation)						X	X	CC	
Poultry processing and live poultry storage completely enclosed					X	X	X	X	
Printer				X	X	X	X	CC	
Private club	CC	CC	X	X	X			X	CC
Processing, food					X	X	X	CC	
Processing, other than food						X	X	CC	
Radio or television statio without transmission tower		X	X	X	X	X	X	X	X
Reading room		X	X	X	X			X	X
Recreation facility, neighborhood		X	X	X				X	X

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Reducing salon			X	X	X			X	X
Refrigeration equipment manufacture							X	CC	
Restaurant (curb service)				X	X	X	X	X	X
Restaurant or cafeteria			X	X	X	X		X	X
Riding, boarding stables						CC	X		
Rooming, boarding house		X	X	X	X			X	X
Rug and/or carpet sales			X	X	X			X	X
Rug cleaning				X	X	X		CC	
Sand or gravel storage							X	X	
School					X			X	X
Secondhand merchandise				X	X	X	X	X	
Shoe manufacture					X	X	X	CC	
Shoe polish manufacture							X	CC	
Shoe repair			X	X	X	X		X	X
Shoe sales, retail			X	X	X	X		X	X
Shoe sales, wholesale				X	X	X		X	
Sign, advertising				X	X	X	X	X	
Sign shop				X	X	X		X	
Skateboard tracks				X	X	X		X	
Skating rink				X	X			X	
Small animal clinic			X	X	X	X	X	CC	X
Sporting goods, retail			X	X	X			X	X
Sporting goods, wholesale				X	X	X		CC	
Stamps & coin sales, retail		X	X	X	X			X	X
Stationery sales		X	X	X	X			X	X
Stone curring, monument manufacture						X	X	X	
Stone monument sales					X	X		X	
Studio for fine arts		X	X	X	X			X	X
Surgical supplies, retail			X	X	X			X	
Surgical supplies, wholesale				X	X	X		X	
Tailor shop			X	X	X			X	X
Tamale preparation, retail (molino)			X	X	X			X	X
Tamale preparation, wholesale				X	X	X	X	X	X
Tavern				X	X	X		X	X
Taxidermist					X	X	X	CC	
Tennis, raquetball or handball cts (comm1)			X	X	X	X		X	X
Textile manufacture						X	X	CC	
Theater (indoor)			X	X	X	X		X	X
Theater (outdoor, including drive-in)				X	X	X		X	
Tile manufacture						X	X	CC	
Tile roofing, waterproofing manufacture							X	CC	
Tobacco processing					X	X	X	CC	
Tobacco store			X	X	X	X		X	X

	0-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD	PRD
Tool manufacture						X	X	CC	
Tool rental				X	X	X		X	X
Tool rental, fenced outside storage					X	X		CC	
Tourist home		X	X	X	X			X	
Town house (see Sec. 35-3075)		X	X		X			X	X
Toy manufacture					X	X	X	CC	
Toy store			X	X	X	X		X	X
Trade school						X	X	CC	
Trailer manufacture							X	CC	
Trailer sales				X	X	X		X	
Transient vehicle storage					X	X	X		
Transmission tower, communications				CC	CC	CC	CC	X	
Trophy sales		X	X	X	X	X		X	X
Truck laundry					X	X	X	CC	
Truck repair and maintenance					X	X	X		
University or college		CC	CC	CC	CC			CC	
Utility infrastructure		CC	CC	CC	CC	CC	CC	CC	CC
Variety store			X	X	X	X		X	X
Venetian blind cleaning, fabrication					X	X		X	
Veterinarian (animals on premises)					X	X	X	CC	
Vulcanizing, recapping						X	X	CC	
Warehousing					X	X	X	X	
Watch repair		X	X	X	X	X		X	X
Water distillation					X	X	X	X	
Welding shop				X	X	X	X	CC	
Well drilling contractor						X	X	CC	
Wire products manufacture						X	X	CC	
Wood processing by creosoting or other preserving treatment							X		
Wool pulling and scouring							X		

Subdivision B. Child day care centers, nurseries and kindergartens

Sec. 35-3271. Conditions.

(a) Various conditions shall apply partially or totally to the operations of any child day care center, nursery, and kindergarten depending upon the zone in which the operation is located. The following conditions shall apply as specified by the table in Sec. 35-3272.

- (1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding one (1) square foot in area, may be permitted when attached to the main structure.
- (2) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- (3) In residential districts, except R-3 and R-4, the child day care homes will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- (4)
 - a. Outdoor play space per child shall be provided in compliance with the table of conditions for child day care center.
 - b. Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.
 - c. There shall be a fence with the minimum height of four (4) feet surrounding the play space.
- (5) Operator of a child day care center must be the owner and reside on the subject property. Proof of ownership must be provided upon application for a certificate of occupancy.
- (6) The child day care center, nursery or kindergarten shall be registered and/or licensed and the operator be approved by the State Department of Human Resources. These are requirements for obtaining the necessary certificate of occupancy.
- (7) Hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.
- (8) Child day care centers, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than seventy-five (75) percent of the gross floor area of the main structure.
- (9) Two (2) years after approval by city council and every two (2) years thereafter, the city zoning staff will send review notices to adjacent property owners and conduct inspection of the premises. Results of this review will be submitted to the zoning commission for a determination whether the special approval permits should be reconsidered. If reconsideration is determined to be necessary, the operator of the center shall be notified and shall have thirty (30) days from notice to submit a reapplication. Failure to reapply shall terminate the special approval. A fee to cover the reapplication review and inspection costs will be assessed to the operator of the day care center. After hearing, the city council may approve the operation for continuation, or may require that the use be terminated.

- (10) A site plan and floor plan shall be submitted to the city to indicate the size, location and square footage of structures, play space, parking areas and circulation on subject property at the time application for special request for council consent for the operation is filed.
- (11) These conditions shall in no case supersede deed restrictions where such restrictions are more restrictive.
- (12) Such use will not create a nuisance or be contrary to the public health and interest.
- (13) Special approval shall not be transferable to another owner.
- (14) A certificate of occupancy shall not be issued until all conditions are met in accordance with the table of conditions for child day care centers.

(b) The table of conditions for child day care centers, nurseries, and kindergartens shall govern the indoor square feet per child, the outdoor play area square feet per child, the total number of children allowed, and which of the heretofore numbered conditions govern the operation, depending upon the zoning district. The conditions listed above are shown to be applicable to such an operation if an "X" is listed in the appropriate column for a particular zone. In addition to these conditions, each child day care center must comply with the applicable building code requirements.

Sec. 35-3272. Table of conditions for child day care centers, nurseries and kindergartens.

Zoning district	Indoor square feet per child	Outdoor square feet per child (play area)	No. of children allowed	Conditions as numbered in Sec. 35-3216													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14
R-A	65	110	10	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-1	65	110	10	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-2	55	100	15	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-2A	45	90	20	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-3	35	80	20 ¹	x		x ²		x						x	x		x
R-4	35	80	Over 20					x						x	x		x
R-5	65	110	10	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-6	55	95	15	x	x	x	x	x	x	x	x	x	x	x	x	x	x
R-7	65	110	10	x	x	x	x	x	x	x	x	x	x	x	x	x	x
O-1	35	80	20 ¹					x						x	x		x
B-1			Over 20					x						x	x		x
B-2, B-2NA			Over 20					x						x	x		x
B-3, B-3NA, B-3R			Over 20					x						x	x		x
PRD ³			Over 20					x						x	x		x

¹ Over 20 children requires special approval of the city council.

² Item (4)(c) is not applicable in R-3 zoning districts.

³ Child day care centers shall be located in areas designated for nonresidential uses in a planned residential development plan.

Division 9. Supplementary Regulations

Subdivision A. Supplementary Use Regulations

Sec. 35-3301. Areas subject to inundation.

Certain areas are subject to periodic inundation, making them unsafe and unfit for human habitation. No structure or portion thereof shall be erected where the land to be covered by such structure or portion thereof has been designated by the director of public works as uninhabitable, until the conditions making the land uninhabitable have been corrected. Land that is permitted to be used shall not be considered to be guaranteed by the city against flood or other hazard.

Sec. 35-3302. Illumination of uses.

Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light is concealed from adjacent residence properties and does not interfere with traffic.

Sec. 35-3303. Relocation structures and certificate of occupancy.

In cases in which structure relocations are permissible, certificates of occupancy shall not be issued by the director of building inspections until all applicable provisions of section 35-3044 and chapter 6, article VII of the City Code and all other applicable requirements for issuance of such certificate of occupancy required by federal, and state law and city charter and ordinances are complied with.

Sec. 35-3304. Subdivision sales offices.

(a) Permitted. Subdivision sales offices shall be permitted in any district on a temporary basis for a two-year period or until sales of eighty-five (85) percent of the houses in the subdivision, with a maximum of two hundred fifty (250) houses per subdivision, have been consummated.

(b) Definition of service area. An official map of the addition to be served, along with the proposed office location, shall be furnished the director of building inspections at the time the permit for such office is requested. Said map, defining the service area of the office, shall include a maximum of two hundred fifty (250) lots.

(c) Occupancy permit required. Occupancy permits shall be reviewed at six (6) month intervals by application with the director of building inspections.

(d) Signs. Advertising signs, limited to four (4) in number, and restricted to identification of the land developer and to advertising of residences for sale will be permitted.

Such signs shall be limited to two hundred eighty-eight (288) square feet in area and shall not be of neon or flashing type. Also, temporary signs advertising individual homes for sale will be permitted when limited to a maximum of twelve (12) square feet.

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

(f) Construction and location. This operation shall be conducted either within a residence, constructed for sale within the subdivision, or within a portable structure of not more than six hundred (600) square feet, located within the bounds of the specific addition for which houses are being sold. The office shall be used for sale of houses within the applicable addition only and shall be used for no purpose other than that of conducting sales of residences.

Sec. 35-3305. Adult entertainment restrictions.

(a) Notwithstanding any other provisions of this chapter, no adult entertainment establishment be established or maintained within five hundred (500) feet of property classified as any of the following: A, B, C, D, Temporary A, Temporary R-1, R-A, R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, and all planned unit development residential classifications.

Measurement shall be made in a straight line from the nearest boundary of property so zoned to the nearest part of the building in which such use is made, if the same commercial activity occupies an entire building; provided, that the case of a building which is divided into separate rental or ownership spaces devoted to different uses or enterprises, measurement shall be made to such space or unit of the building in which such use is made; and provided, that if the activity is an outdoor (drive-in) movie, measurement shall be made to the nearest part of the land devoted to such use.

(b) In addition to the above, no adult entertainment establishment shall be established within the area described as follows:

Beginning at the intersection of North Santa Rosa Street and West Martin Street;

Thence, south on Santa Rosa Street to its intersection with Durango Boulevard;

Thence, east on Durango Boulevard to its intersection with the west right-of-way line of Interstate Highway 37;

Thence, north along the west right-of-way line of Interstate Highway 37 to East Market Street;

Thence, west on East Market Street to its intersection with Bowie Street;

Thence, north on Bowie Street to its intersection with Bonham and 4th Street; Thence, northwest on 4th Street to its intersection with North St. Mary's Street; Thence, south on North St. Mary's

Street to its intersection with East Martin Street; Thence, west on Martin Street to its intersection with North Santa Rosa Street, the place of beginning, which is less than one thousand (1,000) feet from any other adult bookstore, adult entertainment establishment, or adult motion picture theater. Measurement shall be in a straight line, without regard to intervening structures or objects, from the nearest portion of the building used as a business or enterprise described above to the nearest portion of the property upon which such a use is sought to be established.

(c) In addition to the above, all other commercial establishments which are located within five hundred (500) feet of any of the zones enumerated in paragraph (e)(1) above must adhere to the following rules: To ensure that patrons will not be exposed against their will to any display of specified anatomical area or specified sexual activity, no poster, picture, or advertisement depicting same may be displayed. When any book, magazine or other merchandise has any specified sexual activity or specified anatomical area depicted on its cover or exterior, it must be shielded so that such depiction is not exposed. Books, magazines, or other merchandise characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities shall, through admittance policies or placement of the merchandise, be made inaccessible to minors (see map).

(d) No adult entertainment establishment shall be conducted in any manner that permits the observation of any advertisement or promotion depicting, describing or relating to specified anatomical areas or specified sexual activities from any public property or from any property under separate ownership. This provision shall apply to any display, decoration, sign, show window, or other opening.

Sec. 35-3306. Miniwarehouses.

Miniwarehouses may be permitted in the B-3R, B-3NA and B-3 Business Districts, subject to the following limitations, conditions, and restrictions:

(a) A plan of development shall be submitted to the directors of planning and building inspections indicating location of buildings, lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.

(b) The development shall be exclusively limited to storage and those activities necessary for the operation, safety and maintenance of the development, in addition to those uses authorized in the B-3NA, B-3R, and B-3 business districts.

(c) The lot size shall not exceed two and one half (2 1/2)

acres.

(d) Screening shall be provided adequate to protect adjacent properties in a more restrictive district (all residential, B-1 and B-2 business, and O-1 office classifications) from the environmental impacts of the miniwarehouses such as visual blight, parking or roadway illumination, headlights, noise, blowing papers and dust, and service areas.

(e) Landscaping designed to minimize visual monotony and barrenness shall be provided and maintained along all street frontages within the building setback area. The landscaping shall be a minimum of ten (10) feet in width and should consist of native or naturalized plants to include low maintenance ground cover, perennials, shrubs, and trees.

(f) All building elevations shall be of finished quality.

(g) No advertising signs will be permitted on the property other than identifying signage of the miniwarehouse facility itself.

Sec. 35-3307. Sanitary landfills, solid waste facilities.

Sanitary landfills and solid waste facilities are permitted in the I-2 Heavy Industry District, subject to special approval by the city council and the following conditions:

(a) A minimum separating distance of one hundred (100) feet shall be maintained between disposal operations and the perimeter of the site.

(b) A chain-link fence with a minimum height of six (6) feet, shall be installed along the perimeter of the site.

(c) (1) A thirty (30) foot greenbelt shall be established and maintained adjacent to the fence along the site perimeter. The greenbelt shall be established prior to issuance of a certificate of occupancy and shall include, as a minimum, the following number of plants per one hundred (100) linear feet of greenbelt: Five (5) canopy trees, and fifteen (15) shrubs.

(2) Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by sections 35-3524, "Buffering techniques," and shall consist of native or naturalized low maintenance species. Once the zoning is approved by the city council, the applicant shall submit three (3) copies of a greenbelt plan, drawn to scale, to the director of parks and recreation for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

- a. Location and type of existing vegetation, if any.
- b. General location and species of proposed canopy understory trees, and shrubs.
- c. Description of how the greenbelt will be maintained to include provision for adequate irrigation.
- d. Property lines.

- (3) The director of parks and recreation shall approve or disapprove the plan within twenty (20) working days of submittal. If approved, a copy of the plan shall be forwarded to the director of building inspections for use in issuing the certificate of occupancy.

(d) The zoning application shall be accompanied by a land use plan indicating the following information:

- (1) Character of the surrounding land uses within one mile of the proposed facility.
- (2) Proximity to residences and other uses (schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.). Give the approximate number of residences and business establishments within one mile of the proposed facility including the distances and directions to the nearest residences and businesses.
- (3) Availability and adequacy of access roadways, to include types of surfacing, pavement widths, complete details of upgrading required, any significant roadway limitations (structures, surfacing, sight distances, alignment, dust hazards, weight limits, etc.), and estimate the number, size, and maximum weight of vehicle expected to use the site daily.
- (4) Volume of vehicular traffic on access roads, both existing and expected, during the life of the proposed facility.
- (5) Existing and proposed elevations of the landfill and the area within one mile of the proposed facility.

(e) A monitoring system approved by the director of environmental management shall be installed to detect any lateral migration of methane and other decomposition gases.

Sec. 35-3308. Family homes.

Family homes are permitted in all residential zones and the "B-1" Business District, subject to the following conditions:

- (a) Not more than six (6) disabled persons, regardless of

their legal relationship to one another, and two (2) supervisory personnel may reside in a family home at the same time.

(b) A family home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.

(c) The residents of a family home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the home.

(d) A family home must meet all applicable licensing requirements.

(e) A family home may not be established within one-half mile of a previously existing family home.

Sec. 35-3309. Head Shops.

(a) Notwithstanding any other provisions of this chapter, no head shop shall be established or maintained within one thousand (1,000) feet of any of the following uses:

- (1) Property which is temporarily or permanently zoned residential.
- (2) Churches.
- (3) Hospitals.
- (4) Community centers.
- (5) Museums.
- (6) Parks.
- (7) Schools.

(b) Measurement shall be made in a straight line from the nearest boundary of property so zoned to the nearest part of the building in which such use is made, if the same commercial activity occupies an entire building; provided, that the case of a building which is divided into separate rental or ownership spaces devoted to different uses or enterprises, measurement shall be made to such space or unit of the building in which such use is made.

(c) Any properties devoted to such use which are so located due to zoning, re-zoning, or annexation may be registered as nonconforming uses at the department of building inspections within sixty (60) days from the date of becoming nonconforming with this chapter, by the owners or any other interested party and upon such registration, such use may thereafter be continued for a period not to exceed three (3) years. After termination of the three-year period, such operation and use must cease.

Sec. 35-3310. Home occupations.

Home occupations shall meet the following requirements:

- (a) No retail business shall be allowed.

- (b) No manufacturing business shall be allowed.
- (c) No repair work shall be allowed.
- (d) No stock in trade shall be kept and sold on the premises.
- (e) No person not residing on the premises shall be employed.
- (f) No mechanical equipment not customarily found in a home shall be employed.
- (g) No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.
- (h) The entrance to the space devoted to such occupation shall be within the dwelling.
- (i) There shall be no exterior displays such as are permitted by the sign ordinance of the city.
- (j) There shall be no exterior storage of equipment or materials used in the occupation.
- (k) The home occupation must be conducted entirely within a building except for those necessary outdoor activities related to care of children.
- (l) The home occupation may include custom dressmaking, millinery, tailoring, sewing or fabric for custom apparel and custom home furnishings, washing, ironing, and any office in which chattel or goods, wares or merchandise are not commercially created, exchanged or sold.
- (m) Home occupations shall not include, for example, the following shops: barber, beauty, carpenter, electrician, plumber, radio repair, tinner, auto repair, auto painting, furniture repair, or sign painting.
- (n) Home occupations shall never be permitted as a principle use.
- (o) Home occupations shall not use more than 25% of the gross floor area of the building.
- (p) No signs identifying the home occupation shall be permitted, but name plates not exceeding one (1) square foot in area are permitted when attached flat to the main structure.

Subdivision B. Supplementary Height, Yard and Area Requirements

Sec. 35-3331. Height exceptions.

The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, solar energy systems or necessary mechanical appurtenances usually carried about the roof level, provided that such features are limited to that height necessary for their proper functioning, and provided that height does not exceed the limitations of the airport zoning ordinance.

Sec. 35-3332. Excess height.

In any district any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located provided that each required side and rear yard is increased one (1) foot for each two (2) feet of such excess height and provided further that height does not exceed the limitations of the airport zoning ordinance.

Sec. 35-3333. Radio and television tower and antenna.

Height of any radio and/or television antenna in any residentially zoned lot, or abutting any lot zoned for residence shall be no greater than the distance from the tower base to the nearest property line and shall not exceed fifty (50) feet in height in any event.

Sec. 35-3334. Reversed corner lot.

In any district, a reversed corner lot, that is, a corner lot having to its rear a lot facing toward the intersecting or side street, shall have provided on the intersecting or side street side of the corner lot a side yard having a width equal at least to the depth of the front yard required for a structure on the lot to the rear of the corner lot. This requirement does not apply to a lot in a planned unit development.

Sec. 35-3335. Projecting architectural features.

Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend closer than three (3) feet to any property line and shall not extend more than five (5) feet into any required yard. No portion of a main structure, including eaves and other architectural features, may be located nearer than six (6) feet to any portion of an accessory structure, except for a solar energy system.

Sec. 35-3336. Accessory structures.

(a) Side yard and rear yard requirements. No accessory structure, except for a solar energy system, shall be erected or altered so that it is closer to any side or rear line than five (5) feet. In those cases, however, in which no projecting architectural feature is proposed, then the side and/or rear yard may be reduced to three (3) feet.

(b) In all districts where a rear yard is required. All accessory buildings may occupy not more than thirty (30) percent of that rear yard area.

(c) In all residence districts the floor area of all accessory buildings shall not exceed fifty (50) percent of the floor area of the principal structure, exclusive of breezeways, solar energy systems, and attached garages or carports. This regulation shall not reduce the floor area of all accessory buildings to less than six hundred (600) square feet. In no case shall any accessory building, except for a solar energy system, be built closer than ten (10) feet to the main building nor exceed one (1) story, or twelve (12) feet in height.

(d) Reversed corner lot. No accessory structure on a reversed corner lot, that is, a corner lot having to its rear a lot facing toward the intersecting or side street, shall be erected or altered nearer to the intersecting or side street line than the front building line to be observed by any structure on the lot to the rear of the corner lot.

Sec. 35-3337 Fences and walls.

(a) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard 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. 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, provided this subsection shall not apply to fences erected as required by chapter 16, article VII of this Code.

(b) Fencing as required by section 35-3093 and 35-3094 shall be of solid construction and designed so as to provide a visual barrier and shall be six (6) feet in height, provided, fences required by chapter 16, article VII of this Code relating to junk and salvage yards shall be governed by requirements contained in that chapter.

(c) In I-1 and I-2 districts, not fronting residential or commercial districts, and not located to adversely affect site distance at street and/or alley intersections, there shall be no limitation as to fence height.

Sec. 35-3338. Storage in front and side yards.

There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard as required by this chapter in any district or in any side yard or rear yard as required by this chapter, which abuts any residence district.

Sec. 35-3339. Vision clearance.

On any corner lot on which a front yard is required by this chapter, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points twenty-five (25) feet from the point of intersection, measured along such street lines.

Sec. 35-3340. Residence in nonresidential zones.

A residential use may be permitted in a nonresidential zone when:

- (a) The use provides a residence for a caretaker residing on the premises; or
- (b) The use is constructed as a part of, and provides a residence used in conjunction with, the nonresidential use.

Sec. 35-3341. Variation in setback.

In any block in which seventy (70) percent of the lots are occupied by buildings with less front yard than required by existing zoning of such block, construction on the remaining lots therein to the average setback of the previously improved lots shall be permitted.

Sec. 35-3342. Lot frontage and area.

- (a) Conventional lots. Except for planned unit developments and planned residential developments, all lots shall have a minimum frontage width as follows:

<u>Zoning District</u>	<u>Minimum frontage width</u>
R-6, Townhouse	25 feet
R-7, Small lot home	42 feet
All other districts	50 feet

- (b) Irregular lots. On lots of irregular shape, the frontage width may be measured at the building line provided a minimum street frontage of twenty (20) feet is maintained.
- (c) Dwelling on small lot. Where a lot located in a residential district contains an area less than the required lot area for the district and is held in separate and different ownership from any lot immediately adjoining, such lot may be used for a single dwelling unit, except as provided in section 3619 (h) of this chapter.

Sec. 35-3351. Height, yard and area requirements for property zoned subsequent to June 28, 1965.

a. Height. There are no height limitations in the B-4 central area districts. The maximum height for other districts shall be two and one-half (2 1/2) stories or twenty-five (25) feet. Any portion of a structure may be erected to exceed that height limit provided that such portion is set back from the required side and rear yards one (1) foot for each two (2) feet of height in excess of the two and one-half (2 1/2) stories or twenty-five (25) feet. Yard credits shall be allowed for space occupied by existing structures of conforming height extending from the required yard lines.

b. Yard and area requirements. The yard and area requirements shall be as indicated in the following table.

District	Use	Minimum Front Yard (feet)	Minimum Each Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Area (square feet)
R-A	1-family	30	10	25*	10,000
	Other	30	10	25*	10,000
R-1	1-family	20	5	25*	6,000
	Other	20	10	25*	10,000
R-2	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5 or 0/10	20*	5,000
	2-family	20	5	20*	8,000
	Other	20	5	20*	10,000
R-2A	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5 or 0/10	20*	5,000
	1-family (R-7)		See section 35-3080		
	2-family	20	5	20*	7,500
	3-family	25	10**	25*	9,000
	4-family	25	10**	25*	10,000
	Other	20	10	25*	10,000

District	Use	Minimum Front Yard (feet)	Minimum Each Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Area (square feet)
R-3	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5/0 and 10	20*	5,000
	1-family (R-7)		See Section 35-3080		
	2-family	25	5	25*	8,000
	Multifamily	25	10**	25*	6,000 for first 2 units, 1,200 each additional unit
	Townhouse		See section 35-3079		
	Other	25	5	25*	10,000
R-4	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5	29*	5,000
	1-family (R-7)		See section 35-3080		
	2-family	20	5	20*	8,000
	Multifamily	25	10**	25*	6,000 for first 2 units, 1,200 each additional unit
	Mobile home park***	25	25	25	3 acres
	Other	25	10	25*	10,000
R-5	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5 or 0/10	20*	5,000
	Other	20	10	20*	10,000

District	Use	Minimum Front Yard (feet)	Minimum Each Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Area (square feet)
R-6	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5/0 and 10	20*	5,000
	1-family (R-7)		See section 35-3080		
	2-family	20	5	20*	8,000
	Townhouses		See section 35-3079		
	Other	20	5	20*	10,000
R-7	1-family (R-1)	20	5	20*	6,000
	1-family (R-5)	20	5 or 0/10	20*	5,000
	1-family (R-7)		See section 35-3080		
	Other	20	10	20*	10,000
O-1	All uses	25	10#	25#	7,500
B-1	Multifamily	25	10	25	6,000 for first 2 units, 1,200 each additional unit
	Other	25	10	25	10,000
B-2, B-2NA	Multi-family	25	10	25	6,000 for first 2 units, 1,200 each additional unit
	Other	25	10 or none if fire wall provided##	Same as side##	None
B-3, B-3NA, B-3R	All uses	25	10 or none if fire wall provided##	Same as side##	None

District	Use	Minimum Front Yard (feet)	Minimum Each Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Area (square feet)

B-4	All uses	None	None	None	None

I-1, I-2	All uses	25	10 or none if fire wall provided##	Same as side##	None

FOOTNOTES:

* For lots fronting on cul-de-sacs, eyebrows, or elbows and other unusually shaped lots caused by street designs, a rear yard setback of 15 feet is permitted on the mean horizontal distance with no part of the structure being closer than 10 feet.

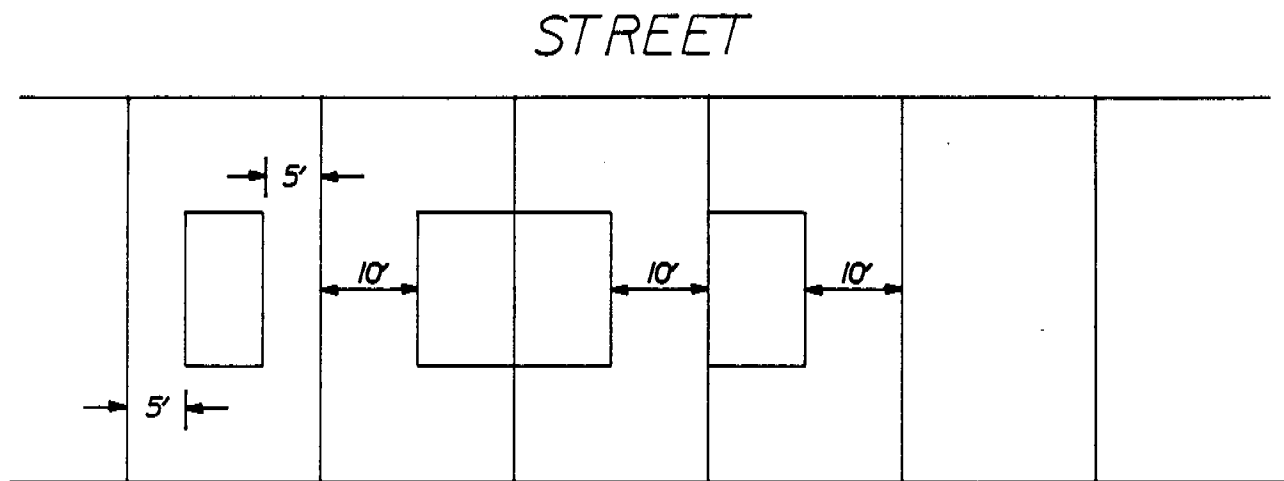
** 5 feet when abutting equal or less restricted districts.

*** Yard requirements pertain to mobile home parks and not to individual lots within a park.

When the side or rear of a lot in the "O-1" district abuts on a lot in a residence district, the minimum width of the side or rear yard in the "O-1" district shall be the same as that required for business districts.

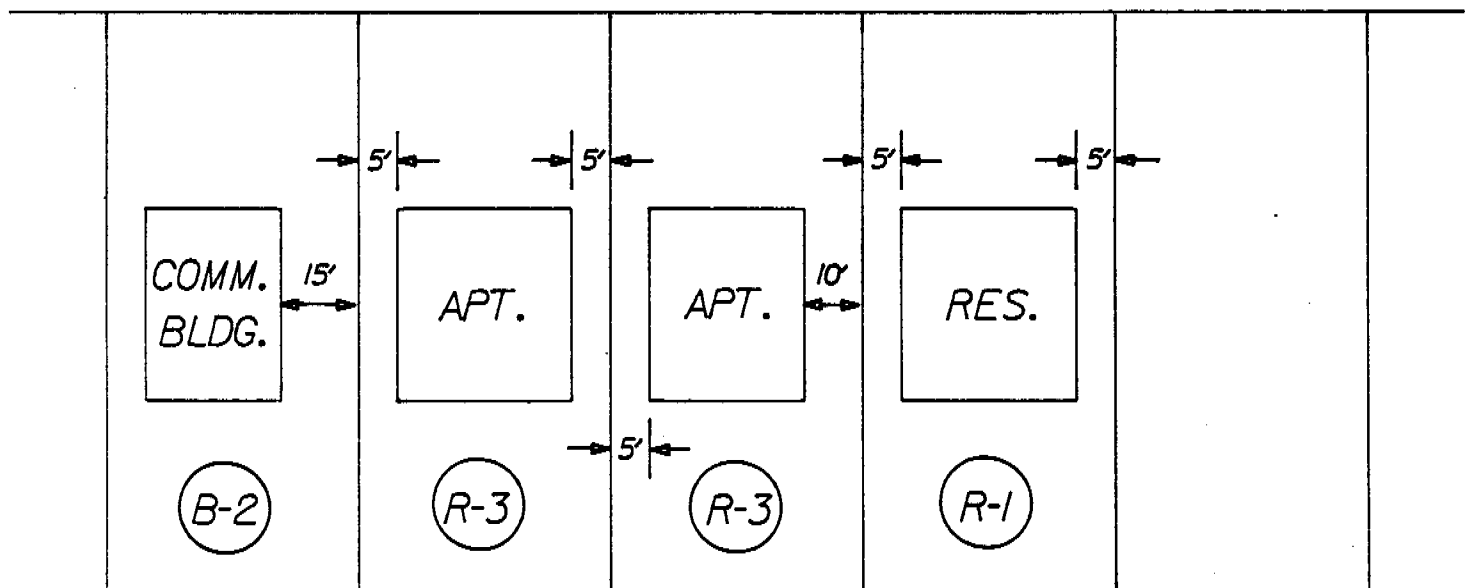
##	When the side rear lot in.	Abuts on lot in:	Minimum width of side yard in less restricted district	Minimum rear yard in less restricted district shall be:
			shall be:	
	Business Dist.	Residence Dist.	15 feet	20 feet
	Industrial Dist.	Residence Dist.	20 feet	40 feet
	Industrial Dist.	Business Dist.	15 feet	20 feet

SIDE YARD SETBACKS



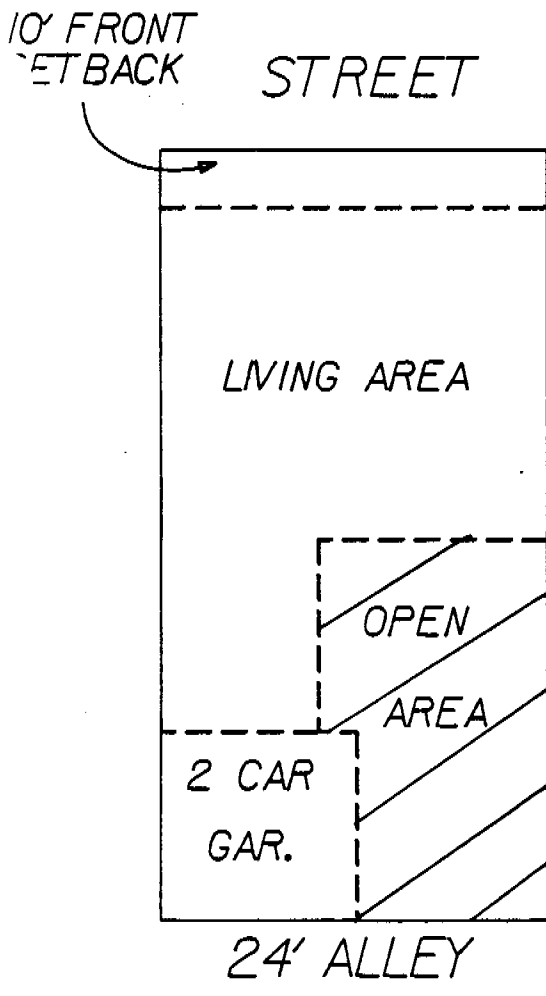
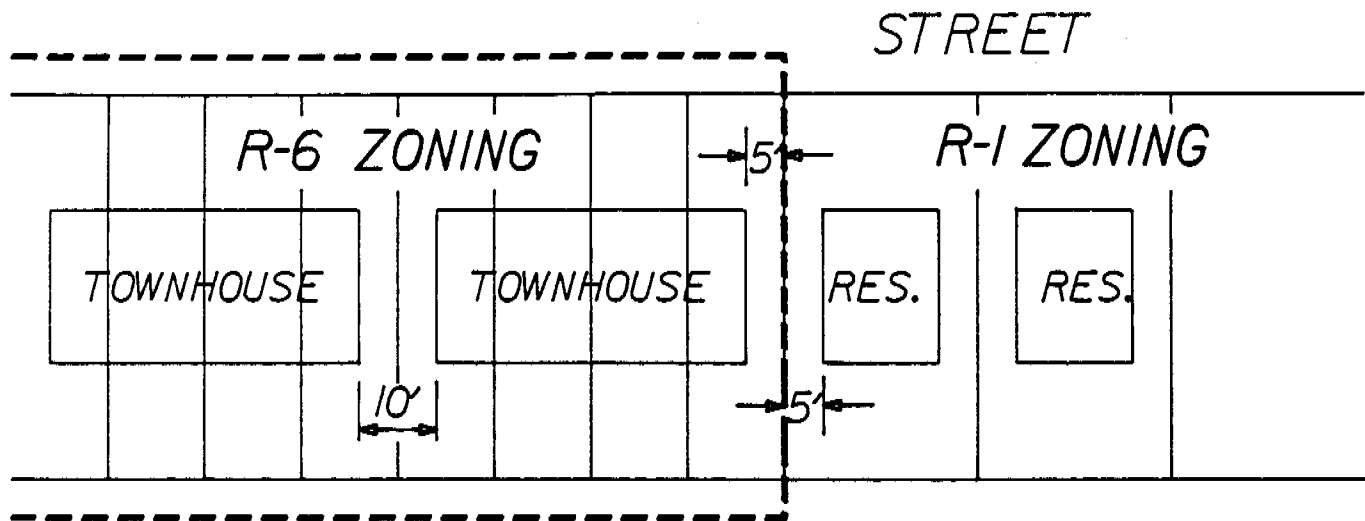
R-5 DISTRICT

STREET

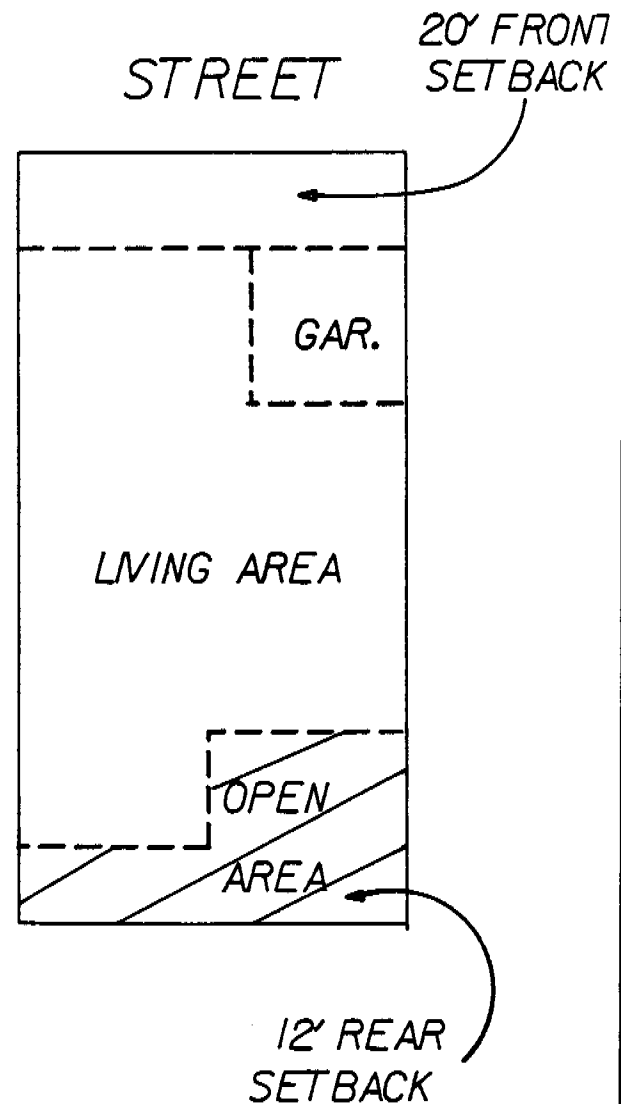


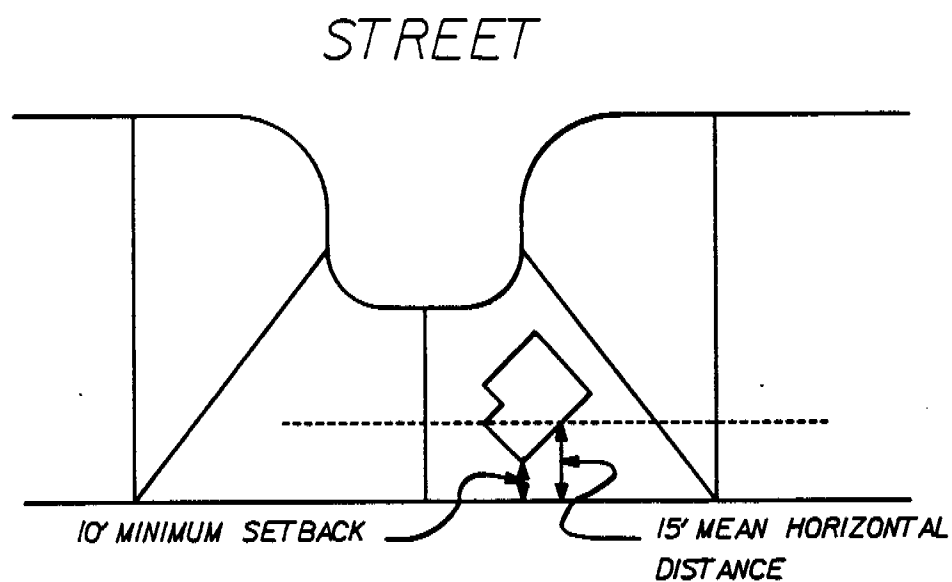
MULTIFAMILY DEVELOPMENT

FRONT, REAR AND SIDE YARD SETBACKS IN R-6 DISTRICT



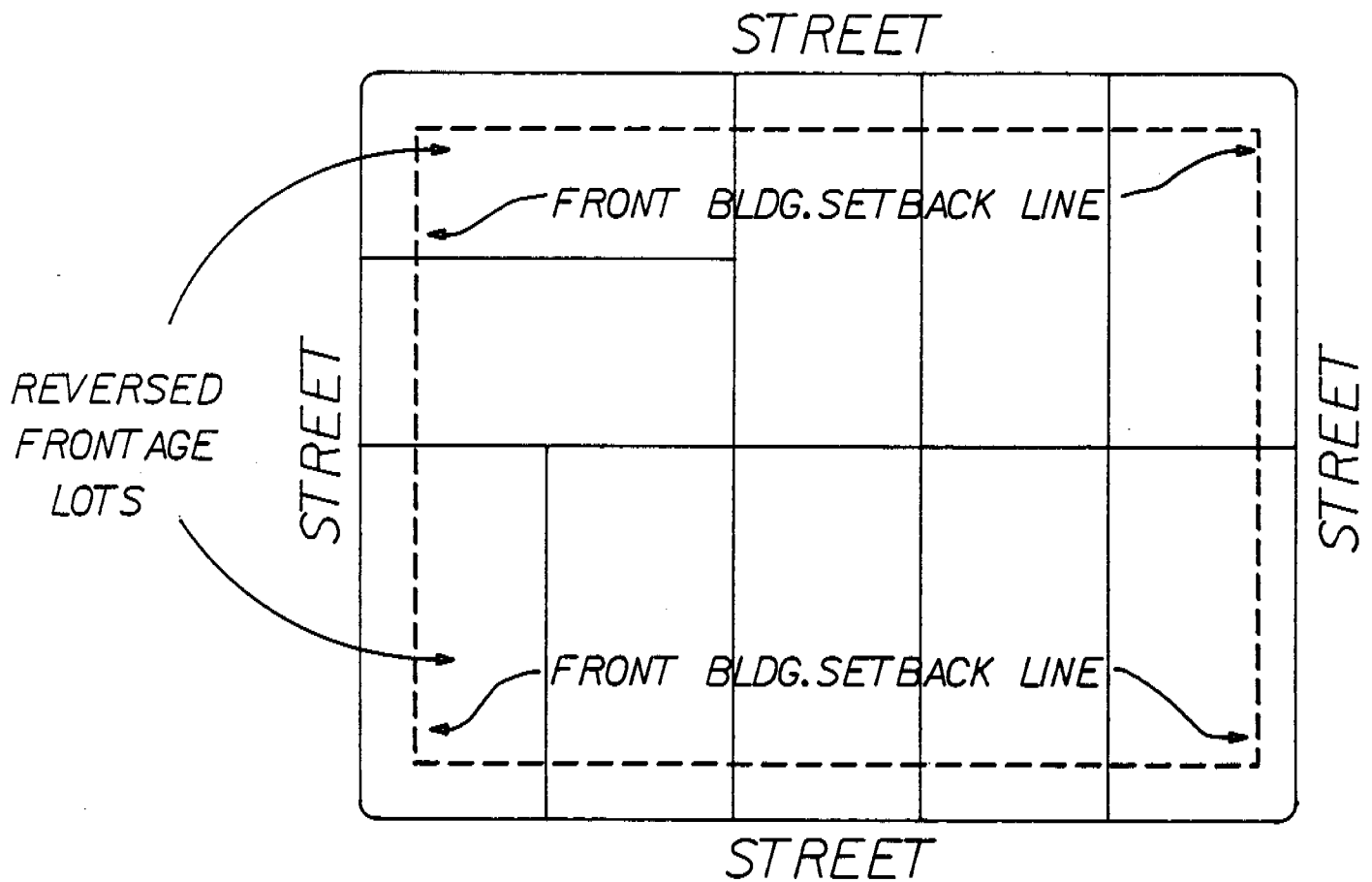
600 SQ.FT.OF
CONTIGUOUS
OPEN AREA





REAR YARD SETBACK ON CUL-DE-SAC
OR OTHER UNUSUALLY SHAPED LOTS

REVERSED FRONTAGE



Subdivision C. Off-street Parking Requirements

Sec. 35-3361. General requirements.

Except for the I industrial district and the B-4 central business district, the off-street parking facilities required by this article shall be provided for all residential uses zoned prior to June 28, 1965 and all uses zoned subsequent to June 28, 1965. In the event a use is enlarged or expanded, the amount of off-street parking facilities that would be required if the increment were a separate use shall be provided.

Sec. 35-3362. Responsibility for off-street parking facilities.

The provision for and maintenance of off-street parking facilities shall be the joint and several responsibility of the operator and owner of the use, structure and/or land on which is located the use for which off-street parking facilities are required.

Sec. 35-3363. Size and location.

(a) Each off-street parking space shall have a minimum area of one hundred and eighty (180) square feet to include minimum dimensions of nine (9) feet in width or eighteen (18) feet in length, exclusive of access or maneuvering area, ramps and other appurtenances, except as provided in subsection (b).

(b) Up to twenty (20) percent of the required parking spaces may be designated for use by subcompact vehicles, provided that the spaces are clearly designated for subcompact vehicles. Spaces designated for use by subcompact vehicles shall minimum area of one hundred twenty-eight (128) square feet to include minimum dimensions of eight (8) feet in width and sixteen (16) feet in length.

(c) Except as otherwise permitted under a special plan for location or sharing of facilities, offstreet parking facilities shall be located on the lot on which the use or structure for which they are provided is located.

(d) All parking areas containing three (3) or more parking spaces shall include a turnaround which is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.

Sec. 35-3364. Construction and maintenance.

Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

(a) Drainage and surfacing. Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris.

(b) Wheel guards. Boundary or perimeter areas shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the property line of the parking area.

(c) Protective screen fencing. Areas shall be provided with protective screen fencing so that occupants of adjacent structures are not unreasonably disturbed by the movement of vehicles either during the day or night.

(d) Lighting. Facilities shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

(e) Entrances and exits. Facilities shall be provided with entrances and exits so located as to minimize traffic congestion.

(f) Prohibition of other uses. Facilities shall not be used for the sale, repair, dismantling, or servicing of any vehicle, equipment, materials, or supplies.

(g) Limitation on size of vehicles. In residential districts facilities shall be used only by vehicles up to three-fourths (3/4) ton.

Sec. 35-3365. Sharing off-street parking facilities.

Pursuant to the following procedure, either part or all of the required off-street parking facilities may be located on a site other than the one occupied by the use or structure requiring such facilities.

(a) Cooperative parking plan. Two (2) or more uses may share the same off-street parking facilities and each use may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time. This arrangement for sharing of off-street parking facilities shall be known as a cooperative parking plan.

(b) Application for approval of cooperative parking plan. An application for approval of a cooperative parking plan shall be filed with the director of public works by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status

of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing in common.

(c) Registration of cooperative parking plan. The application shall be reviewed for approval or disapproval by the directors of planning and public works. Upon approval, a copy of the plan shall be registered among the records of the director of public works and shall thereafter be binding upon the applicants, their heirs, successors and assigns. The registration shall limit and control the issuance and validity of permits and certificates and shall restrict, limit, and control the use and operation of all land and structures included within such cooperative parking plan.

(d) Amendment or withdrawal of cooperative parking plan. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this chapter.

Sec. 35-3366. Minimum requirements.

(a) The minimum requirements for off-street parking facilities in all zones other than the "I" industrial district and the B-4 central business district shall be governed by the table in following section. The classification of uses enumerated in the table are general and are intended to include all similar uses. Where a classification of uses is not determinable from the table, the director of public works, after consulting with the directors of planning and building inspections, shall fix the classification.

(b) Where any requirement for five (five) or more parking spaces results in a fractional unit, a fraction of one-half or more shall be considered a whole unit and a fraction less than one-half shall be disregarded. In those cases in which less than five (5) spaces are required, a full parking space shall be required to fulfill a fractional space requirement.

Sec. 35-3367. Table of off-street parking requirements.

<u>USES</u>	<u>PARKING REQUIREMENTS</u>
<u>Residential:</u>	
Four or less dwelling units per lot	One space per dwelling unit
R-7 small lot homes and PRD	Two spaces per dwelling unit
Housing for elderly and/or handicapped	One space per dwelling unit
Five or more dwelling units per lot	One and one-half (1 1/2) spaces per dwelling unit
College fraternities and sororities	One space per bed
Institutions and homes for children elderly, convalescent, and sanitariums	One space per four beds
<u>Office and Commercial:</u>	
Professional offices and studios	One space per 300 sq.ft. of gross floor area
Libraries, museums, art galleries, clubs, lodges	One space per 300 sq.ft. of gross floor area
General business, retail, clinics, and personal service establishments	One space per 200 sq.ft. of gross retail/sales service area and one space per 800 sq.ft. gross storage, processing and/or display area, or one space per 400 sq.ft. of combined retail sales/service area and display area
Restaurants, cafeterias, delicatessens, and other food serving establishments, except drive-in establishments	One space per 100 sq.ft. of gross area
Drive-in eating establishments, where food or drink is served to customers in their vehicles	Two (2) spaces per 100 sq.ft. of gross floor area with a minimum of 20 spaces for on-premise consumption

USES

Automotive, lumber, nursery (plant), and affiliated activities

Commercial recreation and amusement, dance hall, nightclub, tavern

Hotel and motel establishments

Shopping malls, exceeding 200,000 sq.ft. gross leasable area

Theatres, clubs, gymnasiums, convention halls, assembly halls, stadiums, funeral homes, churches

Hospitals

PARKING REQUIREMENTS

One space per 200 sq.ft. of gross retail sales/service floor area, and one space per 800 sq.ft. of enclosed storage and/or display area, and one space per 200 sq.ft. of open sales/storage/display area

One space per 800 sq.ft. of outdoor recreational area, and one space per 200 sq.ft. of indoor recreational area exceeding 20,000 sq.ft., and one space per 100 sq.ft. of associated indoor use

One space per guest room and one space per two (2) employees (associated independent commercial and/or recreational areas open to general public require appropriate additional spaces)

Five (5) spaces per 1,000 sq.ft. gross leasable area (excluding theatres)

One space per four (4) seats, or (a) one space per 800 sq.ft. of outdoor recreational area, (b) one space per 200 sq.ft. of indoor recreational area exceeding 20,000 sq.ft., and (c) one space per 100 sq.ft. of associated indoor use, whichever is greater

One space for each two (2) beds plus one space for each hospital or staff doctor plus one space for each five (5) employees; parking for each group to be physically separated from other users and identified by user-group

USES

Institutional, educational and industrial:

Neighborhood services and facilities

Schools:

Day care and nurseries

Elementary, primary and kindergarten

Middle or Junior

Senior or Secondary

College or trade school

Research and development activities:

Manufacturing, wholesaling, and processing establishments:

Warehousing:

Miniwarehouses

PARKING REQUIREMENTS

Two (2) spaces per classroom
and two (2) spaces per office

One space per ten (10) children
and one space per office

Two (2) spaces per classroom
and two (2) spaces per office

Three (3) spaces per classroom
and three (3) spaces per
office

Six (6) spaces per classroom
and six (6) spaces for office

Ten (10) spaces per classroom
and ten (10) spaces per
office

One space per 800 sq.ft. gross
floor area

One space per 800 sq.ft. gross
floor area

One space per 2000 sq.ft. of
gross floor area

Three (3) spaces per office
area

Subdivision D. Off-Street Truck Loading Requirements

Sec. 35-3371. General requirements.

(a) When required. Truck loading facilities, shall be required in all zones other than the I business district and the B-4 central business district for structures containing uses devoted to businesses, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multiple family dwellings, hospitals, airports, railroad terminals, and any buildings of a commercial nature.

(b) When applicable. No structure shall be designed, erected, altered, used, or occupied unless the off-street truck loading facilities herein required are provided. In the event that structures are enlarged, expanded, or changed, the structures shall not be used, occupied, or operated unless there is provided at least the amount of off-street truck loading facilities that would be required if the increment were a separate structure.

Sec. 35-3372. Responsibility.

The provision for and maintenance of the offstreet truck loading facilities shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

Sec. 35-3373. Types and location.

(a) Types. There shall be two sizes of off-street truck loading spaces designated "Large" and "Small."

(1) Large spaces. Each large space shall have an overhead clearance of at least fourteen (14) feet, shall be at least twelve (12) feet wide, and shall be at least fifty (50) feet long, exclusive of access or maneuvering area, platform, and other appurtenances;

(2) Small spaces. Each small space shall have an overhead clearance of at least ten (10) feet, shall be at least eight (8) feet wide, and shall be at least twenty (20) feet long, exclusive of access or maneuvering area, platform and other appurtenances.

(b) Location. Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located; provided, however, that facilities provided under cooperative arrangement as hereinafter permitted may be located on another site not more than three hundred (300) feet from the structure for which they are provided.

Sec. 35-3374. Construction and maintenance.

Off-street truck facilities shall be constructed, maintained and operated in accordance with the following specifications:

(a) Drainage and surfacing. Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in good condition free of weeds, dust, trash, and debris.

(b) Protective screen fencing. Areas shall be provided with protective screen fencing such that occupants of adjacent structures are not unreasonably disturbed by the movement of vehicles either during the day or night.

(c) Lighting. Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;

(d) Entrances and exits. Areas shall be provided with entrances and exits so located as to minimize traffic congestion.

Sec. 35-3375. Combined facilities.

Requirements for the provision of off-street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the director of planning, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, and to promote orderly development generally, the director of planning is hereby authorized to plan and group offstreet truck loading facilities cooperatively for a number of structures requiring such facilities within close proximity to one another in a given area in such manner as to obtain maximum efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

Sec. 35-3376. Minimum requirements; area.

The following minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated in section 35-3367:

MINIMUM TRUCK LOADING SPACES

Square Feet of Gross Floor Area in Structure	Required No. of Spaces
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	.2 (small)
25,001 up to and including 40,000	.1 (large)
40,001 up to and including 100,000	.2 (large)
For each additional 80,000 over 100,000 . . .	.1 (large)

Sec. 35-3377. Waiver.

The director of public works is authorized to waive the off-street loading requirements for structures that are required to provide and maintain fewer than five (5) off-street parking spaces, or any other structure if the design and the proposed use of the structure shows no need of off-street loading.

Division 10. Historic Districts and Landmarks

Subdivision A. General

Section 35-3401. Purpose.

The Council hereby recognizes that the City of San Antonio is internationally known for its beauty, friendliness, historical significance, and river front setting, and is a noteworthy example of the confluence of diverse cultures in the New World. San Antonio's unique qualities have proven increasingly attractive to residents, business interests, and tourists.

As a matter of public policy the Council aims to preserve, enhance, and perpetuate those aspects of the city and the San Antonio River having historical, cultural, architectural and archaeological merit. Such preservation promotes and protects the health, safety, prosperity, education, comfort, and general welfare of the people living in and visiting San Antonio.

More specifically, this historic preservation ordinance is designed to achieve the following goals:

(a) To preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which impart a distinct aspect to the city and serve as visible reminders of the city's culture and heritage;

(b) To promote the economic prosperity and welfare of the community by conserving the value of landmark buildings and encouraging the most appropriate use of such property within the city;

(c) To recognize and protect the unique character and qualities of the San Antonio River and its integral relationship to the City of San Antonio;

(d) To strengthen civic pride through neighborhood conservation;

(e) To provide a review process for the appropriate preservation and development of important cultural, architectural, and historical resources;

(f) To ensure the harmonious, orderly, and efficient growth and development of the city;

(g) To maintain a generally harmonious outward appearance of both historic and modern structures through complementarity of scale, form, color, proportion, texture, and material; and

(h) To establish criteria and procedures for data investigation and identification of resources as set forth in the City of San Antonio's Significant Resources Survey Report, adopted by City Council on April 14, 1983.

Section 35-3402. Conflict of provisions.

The provisions of this division shall apply when in conflict with other divisions of this article.

Sec. 35-3403. Penalties and remedies.

(a) Civil.

- (1) Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any building, object, site, or structure in violation of this ordinance shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of San Antonio. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.
- (2) If construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair of a landmark or of any building, object, site or structure found to have significance or located in an historic district occurs without a permit, then the license of the company, individual, principal owner, or its or his successor in interest performing such construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair shall be revoked for a period of three (3) years.
- (3) If demolition of a landmark or of any building, object, site or structure found to have significance or located in an historic district occurs without a permit, then any permits on subject property will be denied for a period of three (3) years. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of three (3) years from and after the date of such demolition.
- (4) If demolition of a landmark or of any building, object, site, or structure found to have significance or located in an historic district occurs without a permit, then the license of the company, individual, principal owner; or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.

(b) Criminal. Any persons, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).

Sec. 35-3404. Severability.

If any provision of this division or the application thereof to any person or circumstances is held invalid, the remainder of this division and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 35-3405. Definitions.

Definitions which appear below apply only to this division.

Alteration. Any construction or change of the exterior of a building, object, site, or structure, or of an interior space designated as a landmark. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color; regrading; fill; imploding or other use of dynamite. Alteration shall not include ordinary repair and maintenance.

Appurtenance. Any accessory or subordinate building, object or structure, fence, street furniture, fixture, vending machine, fountain, public artwork, or bicycle rack located on the grounds of an historic landmark or in an historic district.

Archaeological. The science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of Interior's Archaeological Resources Protection Act of 1979.

Area. A specific geographic division of the City of San Antonio.

Assessed value prior to preservation. The value assessed by the city tax assessor-collector for the tax year of verification.

Board. The Board of Review for Historic Districts and Landmarks re-established and continued by this ordinance.

Building. A building is a structure created to shelter people or things, such as a house, barn, church, hotel, warehouse, or similar structure, including an historically related complex, such as a courthouse and jail or a house and barn.

Cemetery. Any site, as defined by Texas Statutes, which contains at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, to include perpetual care and nonperpetual care cemeteries, even though suffering neglect or abuse.

Certification. The attestation by the board of review for historic districts and landmarks that the structure in question is an historically significant site in need of tax relief to encourage preservation and that the plans submitted will substantially rehabilitate or restore the structure.

Certified applicant. An applicant pursuant to this division whose plans for the restoration or rehabilitation of an historic structure have been approved pursuant to this division.

Cluster. A group of cultural resources with compatible buildings, objects, or structures geographically or thematically relating to and reenforcing one another through design, setting, materials, workmanship, congruency and association.

Commercial building. A building whose use after rehabilitation or restoration will be for other than a single-family dwelling, duplex or three- or four-family dwelling.

Compatible Property. A resource in an historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the character of the scene.

Construction. The act of adding an addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

Contributing Property. A resource in an historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same considerations as landmarks.

Cultural Resources. Those resources which possess qualities of significance in American, Texan, or San Antonian history, architecture, archaeology, and culture present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, congruency and association.

Demolition. Any act or process that destroys or razes in whole or in part a landmark, wherever located, or a building, object, site, or structure, including interior spaces within a historic district, or permanently impairs its structural integrity.

Design Guidelines. Standards set forth in this ordinance by the Board of Review, or which are subsequently adopted by the San Antonio City Council, which preserve the historic, cultural and architectural character of an area = or of a building, object, site, or structure.

Designated Resource. A building, object, site, or structure which has been designated "historic" by City Council upon recommendation of the Board of Review through the Zoning Commission, following criteria set forth in Section 35-430 of

this ordinance and zoned "historic" under the provisions of this ordinance.

District. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, or structures united by past events or aesthetically by plan or physical development which may also comprise individual elements separated geographically but thematically linked by association or history.

Economic Return. A profit or capital appreciation from use or ownership of a building, object, site or structure that accrues from investment or labor.

Effect. A change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important.

Effect, Adverse. A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important.

Exceptional Historic Landmark. Those buildings, objects, sites or structures of the highest historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio; Inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public; such buildings, objects, sites, or structures, their appurtenances, and the property on which they are located are considered historic districts as defined in this ordinance.

Historic District. An area, urban or rural, defined as an "historic district" by City Council, State, or Federal authority and which may contain within definable geographic boundaries one or more landmarks or clusters, including their accessory buildings, fences and other appurtenances, and natural resources having historical, cultural, and archaeological significance, and which may have within its boundaries other buildings or structures, that, while not of such historical, cultural, architectural or archaeological significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.

Historically significant site in need of tax relief to encourage preservation. A structure together with the land necessary for access and use of the structure which is determined by the city board of review for historic districts and landmarks to be in substantial need of rehabilitation or restoration and is one or more of the following:

- (a) Listed in the national register; or

(b) Located in a national register historic district and certified by the secretary of interior as being of historic significance to the district; or

(c) Designated as a recorded Texas historical landmark by the Texas Historical Commission; or

(d) Designated as an historic landmark by the city as provided in this division; or

(e) Located in an historic district designated by the city and certified by the board of review for historic districts and landmarks as being of historic significance to the district.

Intrusion. A building, object, site or structure which detracts from a district's or cluster's historical significance because of its incompatibility with the district's or cluster's sense of time and place and historical development; or its incompatibility of scale, materials, texture, or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes it infeasible to rehabilitate.

Inventory. A systematic listing of cultural, historical, architectural, or archaeological resources prepared by a city, state, or federal government or a recognized local historic authority, following standards set forth by federal, state and city regulations for evaluation of cultural properties.

Multiple Resource Historic District. An area defined by City Council, State or Federal authority within a defined geographical area which identifies specific cultural resources having historic, architectural, cultural, or archaeological significance.

Non-contributing. A building, object, site or structure which neither adds to nor detracts from a district's or cluster's sense of time and place and historical development.

Not Rated Resource. A building, object, site or structure which has been inventoried and reviewed by the Board of Review but not rated due to age following criteria set forth in Section 35-3343 of this ordinance.

Not Significant Resource. A building, object, site or structure older than 25 years old which has been inventoried and reviewed by the Board of Review using criteria set forth in Section 35-3343 of this ordinance and which lacks sufficient historical, architectural, cultural, or archaeological significance to be recommended for landmark status based on available evidence.

Object. An object is a material thing of functional, aesthetic, cultural, historical, archaeological, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Ordinary Repair and Maintenance. Any work, the purpose and effect of which is to correct any deterioration or decay of or

damage to a building, object or structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

Rated Resource. A building, object, site, or structure which has been inventoried and reviewed by the Board of Review using criteria set forth in Section 35-3343 of this ordinance, and listed as either "Exceptional," "Significant," "Not Significant," or "Not Rated".

Reconstruction. The act or process of reassembling, reproducing, or replacing by new construction, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.

Rehabilitation. The act or process of returning a building, object, site, or structure to a state of utility through repair, remodeling, or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site, or structure that are significant to its historical, architectural, and cultural values.

Relocation. Any change of the location of a building, object or structure in its present setting or to another setting.

Resource. A source or collection of buildings, objects, sites, structures, or areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or city.

Restoration. The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Significant Historic Landmarks. Those buildings, objects, sites or structures of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio; inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public; such building, objects, sites, or structures, their appurtenances, and the property on which they are located are considered historic districts as defined in this division.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Special Merit. A building, object, site or structure having significant benefits to San Antonio or to the community by virtue of exemplary architecture, specific features of land planning, or social, cultural or other benefits having a high priority for community services.

Stabilization. The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, or structure while maintaining the essential form as it exists at present.

Structure. A structure is a not movable work made up of interdependent and interrelated parts in a definite pattern of organization.

Thematic Group. A finite group of resources related to one another in a clearly distinguishable way, by association with a single historic person, event or developmental force, as one building type or use, as designed by a single architect, as a single archaeological site form, or as a particular set of archaeological research.

Unusual and Compelling Circumstances. Those uncommon and extremely rare instances, factually detailed, which would warrant a Board of Review recommendation due to the evidence presented.

Unrated Resource. A building, object, site or structure which appears on a federal, state, or city inventory or survey but has not been reviewed and rated by the Board of Review following criteria set forth in sections 35-3323 through 35-3425 of this division.

Unreasonable Economic Hardship. An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property, applying the test utilized by the Supreme Court of Texas in construing Article I, Section 17 of the Constitution of the State of Texas, 1876, in determining the existence of an unreasonable economic hardship.

Verification. The approval by the city board of review for historic districts and landmarks that an historically significant site in need of tax relief to encourage preservation was substantially completed.

Vista. A view through or along an avenue or opening, including those along the San Antonio River's banks, which, as a view corridor, frames, highlights or accentuates a prominent building, object, site, structure, scene, or panorama, or patterns or rhythms of buildings, objects, sites, or structures; to include views of areas at a distance, such as a remote view of the downtown or the San Antonio River.

Section 35-3406. Board of review of historic districts and landmarks.

(a) Reestablishment and appointments. There is hereby reestablished and continued the Board of Review for Historic Districts and Landmarks, hereinafter called the Board. The Board shall consist of eleven members and five alternates residing in the City of San Antonio and appointed by the City Council. Alternates shall be called upon to serve, on a rotating basis, in the absence of a member. Members and alternates shall serve without compensation.

(b) Duties and Functions. The Board, which shall act in an advisory capacity only and shall have no authority to bind the city by contract or otherwise, shall have the following duties and functions:

- (1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or city;
- (2) To investigate and recommend to the City Council the adoption of ordinances designating areas having special historic, cultural, architectural, or archaeological value as historic districts;
- (3) To investigate and recommend to the City Council the adoption of ordinances designating buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;
- (4) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, or demolition affecting proposed or designated landmarks, or buildings, objects, sites, or structures within historic districts, and recommend issuance or denial of permits for such actions;
- (5) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks or buildings, objects, sites and structures within historic districts;
- (6) To recommend guidelines for signage, street furniture, appurtenances, advertising devices, and landscaping for each historic district and landmark;
- (7) Pursuant to Ordinances #52281 and #52282, to hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to

encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the Board's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;

- (8) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;
- (9) To testify before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, or historic districts;
- (10) To review all proposed National Register nominations within the City of San Antonio upon recommendation of the City's Historic Preservation Officer;
- (11) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;
- (12) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;
- (13) To review periodically the San Antonio zoning ordinances and to recommend to the Planning and Zoning Commissions and the City Council any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts;
- (14) To create committees of no more than five persons from among its membership to meet at times other than regular Board meetings, to consider specified categories of applications; and to make recommendations to the full Board for ratification;
- (15) To revise and adopt, within six months after passage of this ordinance and with the assistance of the City Historic Preservation Officer and city legal staff, detailed rules of procedure of the conduct of its meetings that are consistent with this division; and

- (16) To prepare and submit annually to the City Council a report summarizing the work of the Board during the previous calendar year.

(c) Composition and Qualifications.

- (1) In appointing members of the Board and their alternates, the City Council shall make appointments that are sensitive to preservation and development goals of the City and will enable the City of San Antonio to remain a "certified local government" under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Cultural Resources, Part II, Chapter 15, 13 Antiquities Code of Texas 15.6.
- (2) The City Council shall appoint as the professional members of the Board six persons from among the disciplines of architecture, history, architectural history, archaeology, landscape architecture, and planning. Those architects and landscape architects appointed shall be licensed in the State of Texas. City Council shall appoint five additional members of the Board to include one member from each of the following professions or backgrounds: (1) commercial development or real estate, (2) banking or accounting, (3) law, (4) consumer advocacy, representing residents and/or home owners, and (5) neighborhood conservation or historic preservation. All members and alternates shall have demonstrated "interest, experience or knowledge in history, architecture, or related disciplines."
- (3) Members of the Board and their alternates shall be residents of the City of San Antonio and shall represent the general ethnic make-up of the community.
- (4) The City Council shall have the authority to remove any member or alternate for good cause.

(d) Terms of Members and Alternates. Members of the Board and their alternates shall serve three-year terms, which shall be staggered; except, however, that of the initial appointments, four members and two alternates shall be for a term of three years, three members and two alternates shall be for a term of two years, and three members and one alternate shall be for a term of one year. Vacancies on the Board, including expired terms, shall be filled within sixty days by the City Council. However, every member or alternate shall continue in office after expiration of his term until his successor has been appointed. Any member of the Board who does not attend three consecutive meetings without good cause may be replaced by the City Council for the remainder of his term after notice by certified mail sent to his last known address.

(e) Chairman and Vice-Chairman. Members of the Board shall elect a chairman and vice-chairman from among those members who have served at least one year as Board members. No person shall serve more than two consecutive City Council appointed terms in the same office.

(f) Secretary. The Director of Building Inspections or his representative shall act as Secretary of the Board and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in Board discussions but having no right to vote.

(g) Meetings of the Board. The Board shall meet at least once a month at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional meetings may be called by the Chairman, or upon written request of five members, or upon notice from the City Historic preservation Officer, the Director of the Building Inspections Department, or his representative that a matter requires urgent consideration of the Board. All meetings of the Board shall be open to the public in accordance with the Texas Open Meetings Act. Minutes of the Board's proceedings showing the vote shall be filed in the office of the City Historic Preservation Officer and shall be a public record.

(h) Meetings of Board Committees. All decisions of committees shall be subject to ratification by the Board at its next regularly scheduled meeting. Any applicant who is dissatisfied with a decision by a committee shall have the right to appeal to the full Board at its next regularly scheduled meeting. Minutes of committee proceedings showing the vote shall be filed in the office of the City Historic Preservation Officer and shall be a public record.

(i) Quorum. A quorum shall consist of a majority of the appointed Board. In order for official action to be taken by the Board, a majority vote of the appointed Board must be cast. Alternates shall vote only when representing absent members of the Board.

(j) Conflicts of Interest. No member of the Board or alternate shall vote on any matter that materially affects the property, income, or business interest of that member or alternate or gives the appearance of a conflict of interest.

Section 35-3407. City historic preservation officer.

(a) The City Historic Preservation Officer, through the Director of the Building Inspections Department, shall administer this preservation ordinance and shall advise the Board for Historic Districts and Landmarks on each application that shall come before the Board. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field.

(b) In addition to serving as representative to the Board, the City Historic Preservation Officer has responsibility for

coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national preservation organizations in the private sector.

(c) The City Historic Preservation Officer shall recommend to the Board buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this ordinance.

(d) The City Historic Preservation Officer may also recommend to the Board buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.

Subdivision B. Historic Districts and Landmarks.

Section 35-3411. Zoning designation.

The City Council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as Exceptional or Significant Historic Landmarks. Such districts shall bear the word "historic" in their zoning designation; such landmarks shall bear the words "Historic, Exceptional" (HE) or "Historic, Significant" (HS) in their zoning designation.

Section 35-3412. Designation of historic districts.

(a) Property owners within a proposed historic district boundary shall be notified prior to Board hearing on the historic district designation. Upon recommendation of the Board, the proposed historic district designation shall be submitted to the Zoning Commission for its review and recommendation. The Zoning Commission shall give notice, conduct its hearing, and make recommendations to the City Council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of San Antonio. In like manner, the City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of San Antonio.

(b) The Board shall make its recommendation, to be forwarded to the Zoning Commission within thirty (30) days from date of submittal of designation request by the Historic Preservation Officer. The Zoning Commission shall schedule a hearing on the Board's recommendation to be held within forty-five (45) days of receipt of such recommendation and shall forward its recommendation to City Council which shall schedule a hearing to be held within forty-five (45) days of Council's receipt of such recommendation.

(c) Upon designation of an area as an Historic District, the City Council shall cause this designation to be recorded in the Official Public Records of Real Property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering section of the City of San Antonio's Department of Building Inspections, and on the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect all Historic Districts by inclusion of the word "Historic" (H) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

Section 35-3413. Historic districts previously designated by city council.

Any area heretofore designated by the City Council as an historic district under any pre-existing ordinance of the City of San Antonio shall be deemed an historic district under this ordinance and shall continue to bear the word Historic (H) in its zoning designation.

Section 35-3414. Designation of historic landmarks.

(a) Property owners of proposed historic landmarks shall be notified prior to Board hearing for historic landmark designation. Upon recommendation by two-thirds (2/3) vote of the Board, the proposed historic landmark designation shall be submitted to the Zoning Commission for its review and recommendations. The Zoning Commission shall give notice, conduct its hearing, and make recommendations to the City Council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of San Antonio. In like manner, the City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of San Antonio.

(b) The Board shall make its recommendation, to be forwarded to the Zoning Commission within thirty (30) days from date of submittal of designation request by the Historic Preservation Officer. The Zoning Commission shall schedule a hearing on the Board's recommendation to be held within forty-five (45) days of receipt of such recommendation and shall forward its recommendation to City Council which shall schedule a hearing to be held within forty-five (45) days of Council's receipt of such recommendation.

(c) All procedures and provisions relative to zoning set forth in the general zoning ordinance of the City of San Antonio and not in conflict with the terms of this article are hereby adopted and made a part hereof. Designations of Exceptional and Significant Historic Landmarks shall be made considering criteria enumerated in sections 35-3423 through 35-3425 of this division.

(d) Upon designation of a building, object, site, structure, or cluster as an Exceptional or Significant Historic Landmark, the City Council shall cause this designation to be recorded in the Official Public Records of Real Property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering section of the City of San Antonio's Department of Building Inspections, and on the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect Exceptional and Significant Historic Landmarks or property in historic districts by inclusion of the words Historic, Exceptional (HE) or Historic, Significant (HS) as

a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

Section 35-3415. Resources not designated by initial ordinance.

(a) Previously Inventoried Resources.

- (1) Resources previously inventoried by the Board of Review but not rated due to age, shall be reviewed upon reaching 25 years of age by the Board applying criteria set forth in Section 35-3343 to determine significance if any.
- (2) When a resource is found to meet criteria for Exceptional or Significant rating, the Board at that time shall recommend Zoning Commission to City Council the designation to such resources following procedures set forth in Section 35-3414.
- (3) Resources listed on federal, state or city inventories, but unrated by the Board of Review, shall be identified in City records.

(b) Uninventoried Resources.

- (1) As required under the Texas Antiquities Code (13 TAC 15.6), the Board of Review on an on-going 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 sections 35-3423 through 35-3425.
- (2) For such inventories, the Board 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 procedures in Section 35-3414.

(c) Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the Historic Preservation Officer, following an initial investigation of the resource, shall ; refer the matter to the Board of Review for Historic Districts and Landmarks for a detailed study, review, and official determination of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this ordinance.

Section 35-3416. Historic landmarks previously designated by city council.

(a) All buildings, objects, sites, structures, or clusters heretofore designated by the City Council as "historic landmarks" under any pre-existing ordinance of the City of San Antonio shall be reviewed by the Board; and that body, applying the criteria of sections 35-3423 through 35-3425 of this division shall recommend to the City Council the designation of such historic landmarks as Exceptional or Significant Historic Landmarks.

(b) Pending such review and action by the City Council, all buildings, objects, sites, structures, or clusters heretofore designated by the City Council as "historic landmarks" under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated Exceptional Historic Landmarks under this ordinance and shall continue to bear the word "Historic" (H) in their zoning designation.

Section 35-3417. Other landmarks and districts previously designated.

(a) All buildings, objects, sites, structures, or clusters heretofore designated as National Register Districts or Landmarks, State Historic Landmarks or Sites, or State Archaeological Landmarks and Sites shall be reviewed by the Board; and that body, applying the criteria of sections 35-3423 through 35-3425, shall recommend to the City Council the designation of such landmarks, districts or sites as Exceptional or Significant Historic Landmarks or Districts.

(b) Pending such review and action by the City Council, all National Register Districts or Landmarks, State Historic Landmarks or Sites, or State Archaeological Landmarks and Sites shall be accorded the protection of properties designated Exceptional Historic Landmarks and Districts.

Section 35-3418 . Use of property designated historic.

(a) Nothing contained in this article or in the designation of property as being a historic landmark or in an historic district shall affect the present legal use of property. Use classifications as to all such property shall continue to be governed by the general zoning ordinance of the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article.

(b) No provision herein shall be construed as prohibiting a property owner from continuing to use property for a nonconforming use as that term is defined in section 35-3061 of this article.

Section 35-3419. Removal of designation.

Upon recommendation of the Board based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under Section 35-3411 may be removed by City Council following recommendation by the Board.

Section 35-3420. Changes in evaluation.

The Board may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for Significant or Exceptional based on all documentation provided, the Board may recommend a change in designation. Following the same procedures set forth herein in Section 35-3411 for designation, the City Council may change a designation upon recommendation of the Board.

Section 35-3421. Notification of affected property owners.

(a) Prior to Board consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the Historic Preservation Officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation.

(b) Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the City Clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the City's Zoning Code.

Section 35-3422. Recommendations of designation.

(a) Recommendations for landmark or historic district designation are made by the Board to the City Council through the Zoning Commission.

(b) Requests for landmark designation may only be made by or with the concurrence of the property owner. Requests for historic district designation must have the concurrence of the owners representing at least fifty-one percent (51%) of the property located within the boundaries of the proposed historic district. Notwithstanding the foregoing, a request for landmark or historic district designation may be made by the City. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State historic landmarks or sites, or State archaeological landmarks or sites.

(c) Requests for designation shall be made on a form obtained from the City Historic Preservation Officer. Completed request forms shall be returned to the Office of the City Historic Preservation Officer for processing. In the event the Board does not recommend an applicant's request for designation of a resource, the applicant may petition the Zoning Commission for a hearing, following procedures set forth in Section 35-3024.

Section 35-3423. Process and criteria for considering designation of historic districts and landmarks.

(a) The first step in the designation process is to apply the criteria which follow standards set forth by federal, state, and city regulations for evaluating cultural properties. These criteria are to assure that resources are preserved through restoration and adaptive use and to provide that conservation and development interests can consider resources early in the planning process.

(b) The criteria applied to evaluate properties for inclusion in the National Register for Historic Places will be followed as a guide for evaluating cultural resource properties.

(c) The same standards set forth by federal regulation to guide local governments, states and federal agencies will be applied, substituting the importance of the resource to San Antonio and Texas rather than the importance to the nation as a whole. As with federal regulation, these criteria are intentionally worded in a subjective manner to provide for the diversity of resources within the city.

Section 35-3424. Criteria for initial evaluation.

(a) Its value as a visible reminder of the cultural heritage of the community, county, state or nation;

(b) Its location as a site of a significant local, county, state, or national event;

(c) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;

(d) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;

(e) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(f) Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations,

transportation shelters, or other commercial structures;

(g) Its unique location or singular physical characteristics that make it an established or familiar visual feature;

(h) Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;

(i) Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally, or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; and

(j) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

Section 35-3425. Criteria for final evaluation.

When one or more of the above criteria is met, the second step in the designation process shall consider the following criteria:

(a) Architectural and Historic Resources.

- (1) Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
- (2) Properties which are determined to contribute to a San Antonio historic district;
- (3) Buildings, objects or structures which constitute a particular or unique example of an architectural type or historic period;
- (4) Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by or internationally known architects or master builders and important works by minor ones; and
- (5) Resources associated with famous persons important to the history of San Antonio.

(b) Cultural Resources.

- (1) Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least 25 years;
- (2) Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;

- (3) Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theatres and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
 - (4) Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period; and
 - (5) Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines.
- (c) Significant to the Environment of the City.
- (1) Buildings that physically and spacially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
 - (2) Unrelated structures that represent an historical or cultural progression of various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
 - (3) Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location;
 - (4) Resources that contribute significantly to the historic character of the scene, reinforcing the architectural value of a more important structure or resource;
 - (5) Resources and structures which establish a neighborhood identity by creating a continuity within an area by reinforcing a cluster or significant buildings or the river scene; and
 - (6) Walkways, setbacks, open grass or landscaped areas along the San Antonio River, special vistas associated throughout city development patterns in and near plazas, parks and river banks.

Subdivision C. Permits.

Section 35-3431. Permit procedure.

(a) Actions Requiring Permits. A permit from the Department of Building Inspections shall be required before the following actions affecting a historic landmark or a property in an historic district may be undertaken:

- (1) Construction and Reconstruction,
- (2) Alteration, Restoration and Rehabilitation,
- (3) Relocation,
- (4) Ordinary Repair and Maintenance,
- (5) Stabilization,
- (6) Signage, or
- (7) Demolition.

(b) Recommendations by Board Required.

- (1) Every applicant requesting a permit for construction, reconstruction, alteration, restoration, rehabilitation, relocation, signage, or demolition which would affect a designated historic landmark or a property within a designated historic district, including National and State Historic Landmarks and resources within National and State Historic Districts, and also including all appurtenances, parking lots, and landscaping, shall be directed to the Historic Preservation Office to begin the permitting process.
- (2) Applicants requesting permits for ordinary repair and maintenance shall submit their requests to the Historic Preservation Office. Such applications may be approved by the Director of Building Inspections upon recommendation from the Historic Preservation Officer and the Chairman of the Board.
- (3) Applicants requesting permits on inventoried resources rated Not Significant by the Board will not require Board approval unless the resource is located in an historic district.

(c) Procedures.

- (1) Applications for other than ordinary repair and

maintenance shall be referred to the Board by the Historic Preservation Officer. In the case of an application for demolition, the Board shall be guided by procedures specified in section 35-3468.

- (2) For all other applications, the Board shall make its written recommendations within sixty (60) days after the Historic Preservation Office's receipt of the completed permit application, which shall include all required materials and documents, from the applicant. If the Board does not make its recommendation within the sixty (60) day period, the application for such permit shall be deemed recommended by the Board for approval and a certificate showing the filing date and the failure to take action on the application within sixty (60) days shall be issued by the Director of Building Inspections upon consultation with the Historic Preservation Officer on the applicant's demand.
- (3) The applicant may withdraw the application before the sixty (60) day period expires and may resubmit it at a later time if additional time is required for the preparation of information or for research required by the Board. Such withdrawal by the applicant shall suspend the running of the sixty (60) day period within which the Board is required to make its recommendation. Upon resubmission of the application, the Board shall make its recommendation within sixty (60) days after the date of refiling of such application or at its next regularly scheduled meeting, whichever shall occur later.
- (4) Following Board approval of final working drawings, an applicant must secure permits within ninety (90) days and work must be started within one hundred eighty (180) days of issuance or said permit becomes null and void and of no force or effect. If the applicant wishes to apply for reissuance of permit, he must reapply to the Building Inspections Department following procedures set forth in the City's Building Code. In the event changes have occurred, plans must be resubmitted to the Board for rehearing and action.

(d) Action by the Director of the Department of Building Inspections.

- (1) Upon receipt of the recommendation by the Board, the Director of the Department of Building Inspections may implement such recommendation by notifying the applicant within ten (10) days from

receipt of such recommendation that his application has been approved, conditionally approved, or disapproved. He shall also submit a copy of his decision to the Board for its information.

- (2) The same criteria considered by the Board as set forth in subdivision E of this division shall be applied by the Director of Building Inspections in arriving at his determination as to issuance or denial of any permit.

(e) Appeal from the Decision of the Director of Building Inspections Concerning Applications for Permits.

- (1) An applicant for a permit dissatisfied with the action of the Director of Building Inspections relating to issuance or denial of a permit for the construction, reconstruction, alteration, restoration, rehabilitation, relocation, stabilization, signage, or demolition affecting a landmark or a building in an historic district shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The applicant shall be advised by the City Clerk of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the appeal. In determining whether or not to certify to the appropriateness of the proposed construction, reconstruction, alteration, restoration, rehabilitation, relocation, stabilization, signage, or demolition affecting a landmark or building within an historic district, the City Council shall consider the same factors as the Board, set forth in subdivision E of this division, and the report of the Board and any other matters presented at the hearing on the appeal. If the City Council approves the application, it shall direct the Director of Building Inspections to issue a permit for the work covered. If the City Council disapproves the application, it shall direct the Director of Building Inspections not to issue such permit. Such disapproval may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the landmark or historic district.

- (2) Upon receipt of the written disapproval of the City Council, the Director of Building Inspections shall immediately advise in writing the applicant and the Board.

(f) Request for Permit for Inventoried but Unrated Resources. Resources listed on federal, state or city

inventories, but updated by the Board, shall be identified in City records, but such identification shall have no effect on permit applications except in the case of application for demolition. In cases of demolition, the rules and procedures outlined in the demolition section of the City's Building Code and in subdivision F shall be followed.

Section 35-3432. Reapplication for building permit.

In the case of disapproval of an application by the City Council, the application shall not be resubmitted for consideration until one year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions for protecting the historic district or landmark have been incorporated into the reapplication. The Board, by six (6) affirmative votes, may waive the aforementioned time limitation if the application presents new substantial evidence. If such waiver is granted, a new application shall be filed in the Historic Preservation Office with concurrence of the Director of Building Inspections following the procedures outlined in Section 35-3431 of this ordinance.

Section 35-3433. Permits affecting property recommended by the board for designation.

(a) When an application is made on a building, object, site or structure recommended by the Board for designation as an historic landmark or of a building, object, site, structure or vacant land located within an area recommended by the Board for designation as an historic district, the applicant shall follow permitting procedures outlined in Section 35-3431 until the final disposition of the recommendation by City Council.

(b) The applicant may apply to the Board for application review of a proposed project prior to final City Council action on the designation request. The Board shall review the application using criteria set forth in subdivisions E and F, and shall follow all regulations and procedures used to review historic landmarks and properties in historic districts. Permits may be issued following Board approval. Should the Board deny the applicant's request, the applicant may appeal to City Council following procedures outlined in Section 35-3431.

(c) City Council may authorize issuance of a permit on a resource recommended by the Board for designation if, by formal resolution, it deems the permit necessary for public health, welfare, or safety.

(d) Should the City Council fail to designate the recommended building, object, site, structure or cluster as an historic landmark or the recommended area as an historic district, the Director of Building Inspections shall issue permits requested providing all City Code requirements are met.

Section 35-3434. Review of plans for city owned properties in historic districts and historic landmarks.

(a) The City of San Antonio and all its boards, agencies and utilities and those corporations, firms or individuals engaged in the furnishing of telephone service or cable television or other public utilities to the public, shall submit plans for any construction, reconstruction, alteration, restoration, rehabilitation, relocation, stabilization, or demolition affecting any city owned building, object, site, structure, accessory building, fence, or other appurtenance in any designated historic district or any city owned designated historic landmark or obstructing any designated vista, for review according to procedures set forth by this ordinance, notwithstanding the provisions of Section 35-1006, as amended.

(b) Prior to accepting construction bids on work to be done on city owned property in a designated historic district or on a city owned designated landmark, the board, agency, utility, corporation, firm or individual shall submit to the Board project designs and financial statements for review and recommendation.

Subdivision D. Archaeological sites and cemeteries.

Section 35-3441. Designated archaeological sites.

Designated archaeological sites shall be treated as any other Exceptional or Significant resource and shall be reviewed by the Board following regulations set forth in subdivision E.

Section 35-3442. Inventoried archaeological sites.

(a) As with designated archaeological sites, all projects affecting sites containing previously identified archaeological sites shall be reviewed by the Board following procedures set forth in Section 35-3441.

(b) When an inventoried archaeological site exists, the property owner shall have a preliminary study made by a qualified archaeologist to determine the effect that any such project may have on the site.

(c) The information from the study shall be provided to the Historic Preservation Officer for evaluation and recommendation for treatment. The Historic Preservation Officer shall make a determination of such effect within thirty (30) days using criteria set forth in the Antiquities Code of Texas, Article 6145-9, Revised Civil Statutes of Texas and regulations set forth by the National Advisory Council on Historic Preservation, Treatment of Archaeological Properties, under authority of the Executive Director of the Advisory Council, National Historic Preservation Act and Executive Order 11593.

(d) Where no effect or no adverse effect is found, the project shall proceed following other procedures set forth in this ordinance for historical and cultural sites.

(e) Where an effect or an adverse effect is found, the Historic Preservation Officer shall refer the information to the Board at the Board's next regularly scheduled meeting with a recommendation for treatment. The Board in making a recommendation shall consider methods to avoid, reduce or mitigate effects on historical and cultural sites while taking into consideration the current needs of the property owner and reasonable methods for carrying out the recommended plan.

(f) The Board shall take into account in-place preservation, monitoring, data recovery and commitment to the project, where applicable, as set forth in the Antiquities Code of Texas, Article 6145-9 Revised Civil Statutes of Texas, the regulations set forth by the National Advisory Council on Historic Preservation, Treatment of Archaeological Properties, under authority of the Executive Director of the Advisory Council, National Historic Preservation Act and Executive Order 11593.

Sec. 35-3443. Unidentified archaeological sites.

When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the City's Historic Preservation Officer for assistance on consulting with a qualified archaeologist. The Historic Preservation Officer, with concurrence from the archaeologist, as soon as possible shall evaluate on-site the significance of the archaeological finding. When the Historic Preservation Officer and the archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on the archaeological site will take place, the project shall be referred to the Board at the Board's next regular meeting or a called meeting for review following the same procedure set forth for identified archaeological sites.

Sec. 35-3444. Cemeteries.

(a) All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the City Historic Preservation Officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally, or archaeologically exceptional or significant. Such determination shall be made in accordance with the criteria found in Sec. 35-430 of this ordinance.

(b) If said cemetery is determined by the City Historic Preservation Officer to be exceptional or significant, any proposed change, excluding burials, must be presented to the Board for approval of planned work. If a court of competent jurisdiction has granted permission for cancellation or destruction of such cemetery, any plans for new construction must be approved thereafter by the Board before construction commences.

(c) The Board shall be governed in its recommendations by regulations set forth in Texas State law for cemeteries, excluding burial permits.

Subdivision E. Standards.

Sec. 35-3451. Standards for board of review recommendations.

In reviewing an application for any of the above permits, the Board shall be aware of the importance of finding a way to meet the current needs of the property owner. The Board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out.

Sec. 35-3452. New construction.

(a) In considering whether to recommend approval or disapproval of an application for a permit for new construction in an historic district, the Board shall be guided by standards of the Secretary of Interior and the following compatibility standards:

(1) Site and setting.

- a.If a developer intends to utilize an historic resource as any part of a development, he should consider the context of the resource's original site and the importance of the setting in the new development.
- b.In some instances, a resource will occupy the full site and limit development opportunities to rehabilitation, renovation or restoration for adaptive reuse.
- c.In instances where a resource occupies less than a full site, greater flexibility will be available for new development that incorporates the resource into the project.

(2) Building height.

- a.Height at street level should be visually compatible with adjacent buildings. Use of setbacks at upper levels may be used. The apparent physical size, scale and height should relate to existing resources without overwhelming them.
- b.New buildings should look new, reflecting contemporary design standards while using contemporary design elements that relate to the existing structures that surround the new structure. Building height, width, mass and proportion effect the degree of compatibility between the old and the new.

(3) Proportion of openings. The width and height of windows, doors, and entries should be visually compatible with buildings, structures, public ways, and places in the surrounding area. A long unbroken

facade in a setting of existing narrow structures can be divided into smaller bays which will compliment the visual setting and the streetscape.

- (4) Rhythm of solids to voids in front facades. The relationship of solid spaces (i.e., walls) to voids (i.e., windows/doors) in the front facade of a building or structure should be visually compatible with buildings, structures, public ways in the environment surrounding the building.
- (5) Rhythm of spacing and buildings/structures on street. The relationship of a building or structure to the open space between it and adjoining buildings or structures should respect the surrounding environment. The building mass of large architectural projects can be varied in form using setbacks for open space and landscaping when appropriate to provide necessary visual transitions between a large building and the adjacent historic resources.
- (6) Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks should be designed with the street scene provided by the existing buildings, structures, public ways, and places to which the new structure is visually related as a guide.
- (7) Relationship of materials, texture, and color. The relationship of materials, texture and color of the facade of a building or structure should be chosen with the predominant materials used in existing buildings or structures in mind. The choice of exterior colors and material textures should be tempered by the predominant colors and textures of the surrounding area. Simplicity in such use is preferable.
- (8) Roof shapes. The roof shape of a building or structure is a major distinguishing visual element. In most cases a simple roof form similar in form and type as those in the adjacent urban environment is appropriate.
- (9) Walls of continuity. Appurtenances of a building or structure such as walls, fences, and landscape masses should, when it is the nature of the environment, form cohesive walls of enclosure along a street, to insure visual compatibility with the buildings, structures, public ways, and places to which such elements are visually related. Landscaping and use of greenery also should be included, especially in parking and sidewalk areas.
- (10) Scale of buildings. The size and mass of buildings and structures in relation to open spaces, windows,

door openings, porches, and balconies should be visually compatible with the buildings, structures, public ways and places in the adjacent environment.

(11) Signage. Signs which are out of keeping with the character of the environment in question should not be used. Excessive size and inappropriate placement on buildings results in visual clutter. A good sign should be designed to relate harmoniously to exterior building materials and colors. A good sign should express a simple clear message with wording kept to a minimum.

(12) Auxiliary Design. The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

(b) In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Board shall consider the above visual compatibility standards with respect to each important facade.

Sec. 35-3453. Alteration, restoration, and rehabilitation.

In considering whether to recommend approval or disapproval of an application for a permit to alter, restore, rehabilitate, or add to a building, object, site or structure designated an historic landmark or located in an historic district, the Board of Review shall be guided by the following general standards in addition to any specific design guidelines adopted pursuant to Sec. 35-3324:

(a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

(b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled

craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

(f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

Sec. 35-3454. Ordinary repair and maintenance.

(a) Applicants requesting permits for ordinary repair and maintenance of a landmark or property located in an historic district shall submit their requests to the Historic Preservation Officer. Such applications may be approved by the Director of Building Inspections upon recommendation from the Historic Preservation Officer and the Chairman of the Board.

(b) Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- (1) repair using the same material and design as the original;
- (2) repainting, using the same color;
- (3) reroofing, using the same type and color of material; and

- (4) repair of sidewalks and driveways using the same type and color of materials.

(c) A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

Sec. 35-3455. Signs and billboards.

(a) General Provisions. All signage within an historic district or on a designated historic landmark shall conform to all City codes and must have approval of the Board prior to installation. Permits must be obtained following the Board's approval and recommendation to the Director of Building Inspections. Signs should respect and respond to the historic character and period being preserved.

- (1) 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.
- (2) For buildings housing one business or service, one (1) major sign per facade per structure and two (2) minor signs shall be permitted in historic districts and on designated historic landmarks.
- (3) For buildings housing more than one business or service, the Board 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.
- (4) 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 Board of Review, keeping in mind the facade's proportions, may approve additional signage.
- (5) Billboards, junior billboards, portable signs, and advertising benches shall not be permitted within historic districts or on historic landmarks. Other signs which shall not be permitted within historic districts or on historic landmarks include:

- a. 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;
 - b. Any sign which advertises commercial off-premise businesses, products, activities, services, or events;
 - c. Any signs which does not identify a business or service within the historic district or historic landmark;
 - d. Any sign which is abandoned for more than six (6) months or damaged beyond fifty percent (50%) of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
 - e. Any attachment to an already affixed sign which does not meet the provisions of the City Code;
 - f. Roof mounted signs, except in the cases of landmark signs or unless approved by the Board in accordance with standards set forth in subsection (b) of this section.
- (6) In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the Department of Building Inspections shall notify the sign's owner, operator or lessee. If the owner, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Department of Building Inspections may file an action in Municipal Court as outlined in Sec. 28-15 A & B. In addition, nothing herein shall prevent the City Attorney from seeking civil remedies.
- (7) Allowable incidental signs, including signs designating business hours and street numbers, shall conform to standards outlined in this ordinance and shall not be included in the total allowable per facade per structure.
- (8) Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way.
- (9) Menu boards shall not exceed nine (9) square feet. Permanently displayed exact menus may be properly installed inside the business' window or in a Board-approved wall-mounted or freestanding display case adjacent to the business' entrance.
- (10) Sandwich board signs meeting the requirements of Chapter 28 of the City Code and subsection (b) of this section shall be approved by the Board.

- (11) All special purpose signs shall be approved by the Board and shall be removed within thirty (30) days from the date of Board approval unless otherwise specified by the Board. If within the specified period the property owner feels there is a continued need for the special purpose sign, he or his representative shall schedule a hearing with the Board to request additional display time.
- (12) One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site in an historic or on an historic landmark. Construction signs are considered special purpose signs under this ordinance and must receive Board approval prior to installation.
- (13) Special purpose signs not exceeding six (6) square feet advertising special events or promotions may be properly placed only on the inside of windows; such signs shall be removed promptly after an event is over. No off-premise events may be advertised in this manner; all off-premise advertising must be displayed in the where it is not visible from the public right-of-way. Non-commercial speech signs may be erected in historic districts following Board approval provided all regulations in this ordinance are met.
- (14) Non-governmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this and are appropriate for advertising and decoration only during special events or celebrations. No permanent advertising may be handled in this way.
- (15) Residential real estate signs less than six (6) square feet in area and commercial real estate signs exceeding twenty (20) square feet in area do not require Board approval.
- (16) Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.

(b) Standards for Sign Design and Placement. In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure designated an historic landmark or located in an historic district, the Board shall be guided by the following standards in addition to any specific design guidelines adopted pursuant to Sec. 35-3406.

- (1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the

overall historic characteristic of the district and structure.

- (2) Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.
- (3) 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 Board 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.
- (4) Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs, as well as government signs, shall be reviewed by the Board but shall not be included in total allowable signage area. Emergency signs shall be exempt from Board approval.
- (5) All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes which are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the Board. The Board of Review shall be guided by the building's proportion and scale when such elements are incorporated.
- (6) Graphics and signage may be illuminated by indirect, internal, or bare-bulb sources, providing that glare is not produced; by indirect light sources concealed by a hood or diffuser; by internal illumination with standard opal glass of other translucent material, with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting shall be permitted when used as an integral architectural element or artwork appropriate to the site.
- (7) All signs and components thereof shall be maintained in good repair, free of rust, peeling,

flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be kept free of all sign materials, weeds, debris, trash, and other refuse. In addition, the sign owner shall comply with the provisions of this ordinance as well as all other pertinent City codes and ordinances.

- (8) Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded non-conforming status.

Sec. 35-3456. Relocation of a landmark or property located in an historic district.

In considering whether to recommend approval or disapproval of an application for a permit to relocate a building, object or structure designated an historic landmark or located in an historic district, the Board shall be guided by the following considerations:

(a) The historic character and aesthetic interest the building, structure or object contributes to its present setting;

(b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

(c) Whether the building, structure, or object can be moved without significant damage to its physical integrity;

(d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.

Subdivision F. Demolition

Sec. 35-3461. Demolition of a landmark.

(a) Demolition of an Historic Landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Therefore, no permit shall be issued for demolition of an Exceptional Historic Landmark unless the applicant demonstrates clear and convincing evidence of unreasonable economic hardship and no permit shall be issued for demolition of a Significant Historic Landmark unless the applicant demonstrates a preponderance of evidence supporting unreasonable economic hardship. When an applicant fails to prove unreasonable economic hardship in the case of a Significant Historic Landmark, the applicant may provide to the Board additional information which may show unusual and compelling circumstances order to receive Board recommendation for demolition of the Significant Historic Landmark.

(b) The Board shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark against the special merit of the proposed replacement project.

Sec. 35-3462. Unreasonable economic hardship.

(a) When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that he cannot realize a reasonable return upon the value of his property. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the Board.

(b) The Board shall apply the test utilized by the Supreme Court of Texas in construing Article I, Sec. 17 of the Constitution of the State of Texas, 1876, in determining the existence of an unreasonable economic hardship. The owner shall submit by affidavit to the Historic Preservation Officer for transmitof an unreasonable economic hardship. The owner shall submit by affidavit to the Historic Preservation Officer for transmittal to a constituted committee of the Board for evaluation and recommendation to the full Board at least the following information:

(1) For all property:

- a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
- b. Real estate taxes for the previous two (2) years;
- c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom

- purchased or otherwise acquired.
- d. Annual debt service, if any, for the previous two (2) years;
 - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 - f. Any listing of the property for sale or rent, price asked and offers received, if any;
 - g. Any consideration by the owner as to profitable adaptive uses for the property;
 - h. Replacement construction plans for the landmark in question;
 - i. Financial proof of the ability to complete the replacement project which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
 - j. The current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

When an indigent resident homeowner is unable to meet the requirements set forth in this section, then the Board, at its own discretion, may waive some or all of the requirements and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the Board cannot make a determination based on information submitted and an appraisal has not been provided, then the Board shall request that an appraisal be made by the City.

(2) For income-producing property:

- a. Annual gross income from the property for the previous two (2) years;
- b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed;
- c. Annual cash flow, if any, for the previous two (2) years; and
- d. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.

(c) The applicant shall submit all necessary materials to the Historic Preservation Officer at least fifteen (15) days prior to the Board hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comment; shall be forwarded to the Board for consideration and review and made available to the applicant for consideration prior to the hearing.

(d) The Board may require that an applicant furnish such additional information that is relevant to its determination of

unreasonable economic hardship and may require that such additional information be furnished under seal. The Board or its agent may also furnish additional information as the Board believes is relevant. The Board shall also state which form of financial proof it deems relevant and necessary to a particular case.

(e) In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

Sec. 35-3463. Unusual and compelling circumstances and demolition of a significant historic landmark.

When an applicant fails to prove unreasonable economic hardship in the case of a Significant Historic Landmark, the applicant may provide to the Board additional information which may show unusual and compelling circumstances in order to receive Board recommendation for demolition of the Significant Historic Landmark. The Board, using criteria set forth in this ordinance, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

(a) The historic or architectural significance of the building, object, site, or structure;

(b) The importance of the building, object, site, or structure to the integrity of a historic district, an area, or a cluster;

(c) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;

(d) Whether the building, object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region;

(e) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in Sec. 35-3432 of this ordinance, as well as the economic impact of the new development; and

(f) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.

Sec. 35-3464. Recommendation of demolition.

(a) Should the applicant for demolition of an Exceptional Historic Landmark satisfy the Board that he will suffer an unreasonable economic hardship if a demolition permit is not recommended, such recommendation shall be made. Should the applicant for demolition of a Significant Historic Landmark satisfy the Board that he will suffer an unreasonable economic hardship if a demolition permit is not recommended, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates unusual and compelling circumstances which dictate demolition of the Significant Historic Landmark, recommendation for demolition shall be made.

(b) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, set forth in subdivision E prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and dimensional schematic design drawings which shall meet requirements of Sec. 35-3452, New Construction.

(c) Applicants that have received a recommendation for demolition and approval of required drawings shall be permitted to receive such demolition permit without additional Board action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.

(d) When the Board recommends approval of demolition of buildings, objects, sites, or structures of historic significance, permits shall not be issued until all plans for the site have received approval from all appropriate City boards, commissions, departments and agencies.

Sec. 35-3465. Demolition of property located in an historic district and contributing to the district although not designated a landmark.

(a) In considering whether to recommend approval or disapproval of an application for demolition of a building, object, site, or structure located in a historic district and considered contributing to the district, even though not designated a landmark, the Board shall consider first any claim by the applicant of unreasonable economic hardship. Such consideration should be made on the basis of the same information required for similar claims under Sec. 35-3461 of this ordinance.

(b) When an applicant fails to prove unreasonable economic hardship in the case of a property located in an historic

district and contributing to the district, the applicant may provide to the Board additional information which may show unusual and compelling circumstances in order to receive Board recommendation for demolition of said property. The Board shall be guided in its recommendation by the following considerations:

- (1) The historic or architectural significance of the building, object, site, or structure;
- (2) The importance of the building, object, site, or structure to the character of the historic district;
- (3) The importance of the building, object, site, or structure as part of a cluster within the historic district;
- (4) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;
- (5) Whether the building, object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
- (6) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in this subdivision, as well as the economic impact of the new development; and
- (7) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

(c) The Board of Review shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

(d) Should the applicant for demolition of a contributing property in an historic district satisfy the Board that he will suffer an unreasonable economic hardship if a demolition permit is not recommended, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates unusual and compelling circumstances which dictate demolition of the property, recommendation for demolition shall be made.

(e) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, set forth in subdivision E prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but

shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

(f) Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional Board action on demolition, following the Board's recommendation of a permit for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of Sec. 35-3452, New Construction, are met, and the property owner provides financial proof of his ability to complete the project.

(g) When the Board recommends approval of demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate City boards, commissions, departments and agencies.

Sec. 35-3466. Demolition of property located in an historic district and an intrusion in the district.

(a) In those cases in which the Board finds that a building, object, or structure proposed for demolition is located in an historic district, but is considered an intrusion in the district, the Board shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this ordinance prior to granting approval of a demolition permit.

(b) When the resource is determined to be an intrusion, the Board shall not recommend approval of demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-3469 through 35-3470 and all other city ordinances and codes. In any event, when the Board recommends approval of such demolition, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate City boards, commissions, departments and agencies.

Sec. 35-3467. Other demolition permits.

(a) All applications for permits to demolish buildings, objects, sites, or structures not included under any other portion of this subdivision shall be referred to the City Historic Preservation Officer for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance. Such determination shall be made in accordance with the criteria found in sections 35-3423 through 35-3425.

(b) The City Historic Preservation Officer shall make such determination within thirty (30) days after receipt of the

completed application and shall notify the Director of Building Inspections in writing. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all City code requirements.

(c) If said building, object, site, or structure is determined by the City Historic Preservation Officer to have historical significance, the Historic Preservation Officer shall make such information available to the Board for review and recommendation as to significance. If the Board concurs in the significance, using criteria set forth in sections 35-3423 through 35-3425, the Board shall recommend to the City Council that the building, object, site, or structure be designated, as appropriate, an Exceptional or Significant Historic Landmark.

(d) Upon such a recommendation by the Board, issuance of any permit shall be governed by subdivision C.

Sec. 35-3468. Negotiations prior to demolition application hearing.

(a) Whenever an application for a permit for the demolition of an Exceptional or Significant Landmark shall be submitted to the Board, the Board shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the Department of Building Inspections. This time period is intended to permit the City Historic Preservation Officer to discuss the proposed demolition informally with the property owner, other city officials and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the Board of Review. The City Historic Preservation Officer shall prepare a report to the Board analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

(b) If within this sixty (60) day period any one of the following three events shall occur, the Board may defer hearing the application for six months and it shall be considered to have been withdrawn by the applicant during such six-month period: (1) the owner shall enter into a binding contract for the sale of the property, (2) approved arrangements shall be made for the structure to be moved to an approved new location, or (3) the City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition. But if within the sixty (60) day period none of the three events summarized above shall have occurred, the Board shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the

expiration of the sixty (60) day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The Board shall also request the city engineer to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the City Historic Preservation Officer prior to the date of the Board's hearing on the demolition permit application, and shall become part of the administrative record on the application.

Sec. 35-3469. Prevention of demolition by neglect.

(a) All historic landmarks and all buildings, objects, sites, and structures found to have significance or located in an historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control, in keeping with the City's minimum housing standards, shall repair such building, object, site, or structure if it is found to have any of the following defects:

- (1) Deteriorated or inadequate foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;
- (2) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (4) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
- (5) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint,

or weathering due to lack of paint or other protective covering. Any fault or defect in the building which renders same structurally unsafe or not properly watertight.

(b) In addition, the owner or other person having legal custody and control of an historic landmark or a building, object, site, or structure located in an historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City's minimum housing codes and ordinances.

(c) The Board, on its own initiative, may file a petition with the Director of Building Inspections requesting that he proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this ordinance and the public safety and housing ordinance.

(d) If any building, object, or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner of the structure shall have received two or more notices from the Director of Building Inspections of building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of two years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by any city office during this period.

Sec. 35-3470. Treatment of site following demolition.

Following the demolition or removal of an historic landmark, a building, object or structure found to have significance, or a building, object, or structure located in an historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

Sec. 35-3471. Public safety hazards and emergency securing measures.

(a) No structure designated a landmark or located within an historic district may be demolished in whole or in part as a hazard to public safety until the Historic Preservation Officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and the Board of Review has had an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

(b) After emergency measures are undertaken, the City Historic Preservation Officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the Board of Review shall make a recommendation for an order for demolition. When applicable, a recommendation about the feasibility of rehabilitation shall be made by the Board based upon a report from the City Historic Preservation Officer and after consultation with the City legal staff.

Subdivision G. Ad Valorem Tax Exemptions

Sec. 35-3476. Tax exemption qualifications.

(a) In accordance with the provisions of this division, a building which meets the definition of an historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the board and approved by the city tax assessor-collector, shall have an assessed value for ad valorem taxation as follows:

- (1) A residential building shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.
- (2) A commercial building shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

(b) This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided:

- (1) The building shall comply with the applicable zoning regulations for its use and location; and
- (2) The deed, grant, sale, bequest, devise or otherwise transfer of ownership in the property, except the donation of an historic easement on an exempt structure which donation shall qualify as a charitable contribution under Sec. 170(f)(3) of the Internal Revenue Code and its regulations as now exist or as they may hereafter be amended, shall cause the exemption provided herein to terminate on the last day of the tax year on which such transfer occurs.

Sec. 35-3477. Application.

(a) Applications for an historic structure preservation tax exemption pursuant to this division are to be filed with the

board. The board shall be the agent of the city for the purposes of administering this division. Each application shall be signed and sworn to by the owner of the property and shall:

- (1) State the legal description of the property proposed for certification;
- (2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;
- (3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;
- (4) Include a statement of costs for the restoration or rehabilitation work;
- (5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;
- (6) Authorize the members of the board, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;
- (7) Include a detailed statement of the proposed use for the property; and
- (8) Provide any additional information to the board which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

(b) Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

Sec. 35-3478. Certification.

(a) Upon receipt of the sworn application, together with a fee as specified in Exhibit C of this chapter, the board shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the board's documentation for approval or disapproval of the application for exemption.

(b) Upon receipt of the certified application for tax exemption as well as the recommendation of the board, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for

access and use thereof is to be provided favorable tax relief as provided in section 35-3476.

Sec. 35-3479. Verification.

Upon completion of the restoration and rehabilitation the certified applicant shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the board. The board, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall approve or disapprove the fact that the property has been substantially completed as required for certification. If verification of completion shall be deemed unfavorable, the certified applicant shall be required to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the board shall notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption provided in section 35-3476.

Division 11. Joint Airport and Airport Hazard Zoning Regulations

Sec. 35-3501. Statement of facts.

This ordinance is adopted pursuant to the authority conferred by Vernon's Ann. Civ. St. art. 46e-3 as amended. It is hereby found that an airport hazard endangers the lives and property of the users of San Antonio International Airport, Stinson Municipal Airport, Kelly Air Force Base, Randolph Air Force Base and of the occupants of land in the vicinity thereof, and also, if of the obstruction type, such hazard reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

(a) That the creation or establishment of an airport hazard is a public nuisance and an injury to the communities served by these airports;

(b) That it is necessary, in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and,

(c) That the prevention of these hazards should be accompanied, to the extent legally possible, by the exercise of the police power without compensation.

Sec. 35-3502. Permits.

(a) Future uses. Within any airport hazard area which is within, or extends into, the controlled area of these regulations, no material change in the use of land and no structure or tree shall be erected, altered, planted or otherwise established at a height greater than two hundred (200) feet above the ground or above a 100-to-1 slope from the nearest point of the nearest runway of any airport unless a permit therefor shall have been applied for and granted. Applications for permits shall be made to the department of building inspections upon a form supplied for this purpose, and by submitting a map of sufficient accuracy and detail to allow an accurate determination of compliance with this division. No permit for a use inconsistent with this division shall be granted unless a variance has been approved in accordance with subsection (d). Nothing in the foregoing shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of the height limits established by this division.

(b) Existing uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than

it was on the effective date of the ordinance from which this division is derived or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming structures, natural growths and land uses. A permit shall be required before any nonconforming structure, natural growth or land use in the airport hazard area may be altered, repaired, rebuilt, replaced, replanted or relocated. No permit shall be granted that would allow a nonconforming structure, natural growth or land use to be made or become higher, or become a greater hazard to air navigation than it was. Whenever the department of building inspections or administrative agency outside of the City of San Antonio determines that a nonconforming land use has been abandoned eighty or more than eighty (80) percent torn down, damaged, physically deteriorated or decayed, no permit shall be granted that would allow same to be replaced, repaired or re-established unless in full compliance with the height and use restrictions of this division.

(d) Variances. Any person desiring to erect or increase the height of any structure or permit any natural growth or use his property, not in accordance with the regulations prescribed in this division, shall apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this division. Applications for such action by the board of adjustment shall be made to the director of the department of building inspections if inside the City of San Antonio, or the director of planning if in the City's extra-territorial jurisdiction.

(e) Federal notification. Within any airport hazard area, any person who proposes any construction, alteration or tree growth meeting the following criteria shall give notice to the regional office of the Federal Aviation Administration if and as required by Part 77 of the Federal Aviation Regulations, titled "Objects Affecting Navigable Airspace:"

- (1) Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
- (2) Any construction or alteration of greater height than an imaginary surface extending upward and outward at any one (1) of the following slopes:
 - a. For International and Stinson, a slope of 100 to 1 for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway.

b. For military airports, a slope of 50 to 1 for a horizontal distance of ten thousand (10,000) feet from the nearest point of the nearest runway.

(f) Also, any person who proposes to construct, alter, activate or deactivate a civil or joint use, civil/military, airport shall likewise give notice to the Federal Aviation Administration as required by Part 157 of the Federal Aviation Regulations titled "Notice of Construction, Alteration, Activation, and Deactivation of Airports." If a request for a permit or variance is made from any action falling under any of the stated federal notice requirements, final action on the requested permit or variance may, at the discretion of the administrative agency or of the board of adjustment, be deferred until a final determination has been issued by the Federal Aviation Administration. However, in no event shall the requirements of this division be subordinate to a determination of the Federal Aviation Administration.

(g) Marking and lighting. Any permit or variance granted may require the owner of the structure or natural growth in question to install, operate and maintain thereon, at his own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any lights required under this paragraph shall be engineered and designed for the intended purpose by a recognized manufacturer, and it shall be the responsibility of the owner or any subsequent owner to see that the lights are properly installed and maintained so as to be functioning during darkness and all periods of low visibility, independently of the functioning of other lighting in or on the structure or growth.

Sec. 35-3503. Height-limiting imaginary surfaces, International and Stinson.

The height restrictions for structures and growths in the airport hazard areas are specified by means of imaginary planes or surfaces in the airspace above the airport hazard areas. Within the controlled area of this section, such surfaces are hereby established in the airspace surrounding each airport protected by this division to define the limit above which any projection of a structure or tree would be considered an airport hazard and thus be prohibited except as otherwise provided by this division. The surfaces are illustrated on the airport hazard zoning maps, which are adopted and made a part of this division, by means of elevation contour lines in a manner similar to the use of topographic contour lines to illustrate the variations in the elevation of natural terrain. Their geometric description is as follows:

(a) Primary surface. The primary surface is centered longitudinally and laterally about the runway, the ends extending two hundred (200) feet beyond the runway ends. The elevation of any point on the primary surface is the same as the nearest point on the runway center line between the runway ends. The width of

the primary surface varies according to the existing or planned classification of usage of the most critical end of the individual runways as follows per Part 77 of the Federal Aviation Regulations:

(1) San Antonio International Airport:

- a. Runway 12R-30L, one thousand (1,000) feet.
- b. Runway 12L-30R, one thousand (1,000) feet.
- c. Runway 3-21, one thousand (1,000) feet.

(2) Stinson Municipal Airport:

- a. Runway 9-27, one thousand (1,000) feet.
- b. Runway 14-32, five hundred (500) feet.

(b) Approach surface. The approach surface is an inclined plane, longitudinally centered on the extended runway center line, which begins at the end of the primary surface, at the same width and elevation, and extends outward and upward at a specific horizontal to vertical slope, at a specific uniform rate of increase in width and for a specific distance as follows:

(1) San Antonio International Airport:

- a. Runways 3, 12R, 12, 21, and 30L: 50 to 1 slope for first ten thousand (10,000) feet, thence to a 40 to 1 slope at an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.
- b. Runway 30R: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is one thousand five hundred (1,500) feet.

(2) Stinson Municipal Airport:

- a. Runway 27: 50 to 1 slope for first ten thousand (10,000) feet, thence at a 40 to 1 slope to an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.
- b. Runway 32: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is two thousand (2,000) feet.
- c. Runways 9 and 14: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is one thousand two hundred fifty (1,250) feet.

(c) Transitional surface. These surfaces extend outward and upward to a slope of 7 to 1 from the longitudinal edges of the primary surfaces and approach surfaces, measured at right angles to the runway center line and center line extended. These surfaces connect the primary and approach surfaces with the other

surfaces described in this section, including other transitional surfaces. Beyond the outer periphery of the conical surfaces, the transitional surfaces extend a maximum horizontal distance of five thousand (5,000) feet from the longitudinal edges of the precision approach surfaces, measured at right angles to the extended runway center line.

(d) Horizontal surface. The horizontal surface is a horizontal plane one hundred fifty (150) feet above the established airport elevation, nine hundred fifty-nine (959) feet above mean sea level for San Antonio International; seven hundred twenty-seven (727) feet above mean sea level for Stinson Airport. The perimeter of the horizontal surface is constructed by swinging arcs of ten thousand (10,000) feet radius from the center of each end of the primary surfaces of Runways 3-21, 12R-30L and 12L-30R at San Antonio International Airport and Runway 9-27 at Stinson Municipal Airport. The adjacent arcs are then connected by tangent lines.

(e) Conical surface. The conical surface extends outward and upward to a slope of 20 to 1 from the periphery of and at the same elevation as the horizontal surface. It extends for a horizontal distance of four thousand (4,000) feet, to a height of three hundred fifty (350) feet above established airport elevation.

(f) In addition to the above described imaginary surfaces, the imaginary surfaces of Kelly Air Force Base and Randolph Air Force Base described by Section 77.28 of Part 77 of the Federal Aviation Regulations, and which extend into the corporate limits of the city, shall be enforceable under these regulations within the corporate limits.

Sec. 35-3504. Height restrictions.

(a) Except as otherwise provided in this article, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area in excess of the height of the imaginary surface above the structure or natural growth.

(b) Where more than one (1) imaginary surface or the imaginary surfaces of more than one (1) airport exist in the same area, the more restrictive limitation shall prevail.

(c) In addition to the height restrictions imposed by the imaginary surfaces, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area at such height as would result in the alteration of any flight procedure established by federal aviation authorities.

(d) If tall construction cranes or other equipment will be used which are higher than a structure or growth which is being erected under a permit granted pursuant to this article, the

operator of the cranes or equipment may be required, at the discretion of the authorities in charge of the airport affected, to maintain coordination with air traffic control personnel to keep them informed of his work schedule, to keep the equipment in a lowered position to the maximum extent possible, and to install appropriate hazard marking and/or lighting on the top extremity of the equipment.

(e) Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to twenty (20) feet above the surface of the land.

(f) If the imaginary surface boundaries established above are less restrictive for a specific instance than those specified in the Federal Aviation Regulation Part 77, "Objects Affecting Navigable Airspace" as amended, or any subsequent Federal Aviation Agency criteria, then the criteria shall, in effect, be a part of these regulations and shall be the applicable restriction hereunder.

Sec. 35-3505. Use Restrictions.

Notwithstanding any other provisions of this division no use may be made of land within the airport hazard area in such manner as to:

(a) Create electrical or visual interference with any electronic facility or instrumentation, wherever located within the airport hazard area, including but not limited to, radio transmitters and receivers, radar installations, landing and navigational aids and weather instruments where such facilities are used in connection with the landing, taking-off and maneuvering of aircraft;

(b) Make it difficult for flyers to distinguish between airport lights and others;

(c) Result in glare in the eyes of flyers using the airport;

(d) Impair visibility in the vicinity of the airport;

(e) Cause physical objects of any nature to penetrate, however briefly, the air space above the imaginary surfaces established in this article, such objects including, but not limited to kites, balloons, projectiles, rockets, model aircraft, derricks and cranes, unless a special temporary permit be obtained from the authorities in charge of the affected airport;

(f) Establish or alter privately owned flying fields, strips or heliports, unless found not to be objectionable after a special aeronautical study by federal aviation authorities;

(g) Create bird strike hazards;

(h) Otherwise endanger the landing, taking-off, or maneuvering of aircraft.

Sec. 35-3506. Nonconforming uses.

(a) Not retroactive. The regulations prescribed in this division shall not be construed to require changes in land use or the removal, lowering, or other change or alteration of any structure or natural growth in previous lawful existence, but not conforming to the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of any previously lawful nonconforming use. Nothing contained in this division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, is diligently prosecuted, and would have otherwise been in legal existence upon completion.

(b) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight hazards. Such markers and lights shall be installed, operated and maintained at the expense of the airport desiring such marking and lighting.

Sec. 35-3507. Administrative agency. (Inside City Limits)

The department of building inspections of the city is hereby designated as the administrative agency charged with the administration and enforcement of this division. As such, it shall establish administrative procedures for requiring, accepting and subsequently approving or denying applications for airport zoning permits, in accordance with section 3-274 of this division. In this regard, the department of building inspections will withhold any other permits normally issued under its jurisdiction which would allow construction or erection to proceed on any structure which would be in violation of these regulations. The administrative agency shall not have, or exercise any of the powers or duties, which are delegated to the board of adjustment under Vernon's Ann. Civ. St. art. 46e, sections 7 through 10.

Sec. 35-3508. Board of adjustment.

The board of adjustment of the city is hereby designated to be the board of adjustment for this article, to have and exercise the powers set forth in Vernon's Ann. Civ. St. art. 46e-10.

Sec. 35-3509. Appeals.

Any person aggrieved or taxpayer affected by any decision of the administrative agency made in its administration of this article,

or any governing body of a political subdivision, which is of the opinion that a decision of such an administrative agency is an improper application of airport hazard zoning regulations may appeal to the board of adjustment under the provisions of Vernon's Ann. Civ. St. art. 46e-8.

Sec. 35-3510. Judicial review. (Inside City Limits)

Any person aggrieved or taxpayer affected by any decision of the board of adjustment which is of the opinion that a decision of the board of adjustment is illegal, may present to a court of record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality as provided in Vernon's Ann. Civ. St. art. 46e-11. Such petition shall be presented to the court within ten (10) days after the decision is filed in the office of the board.

Sec. 35-3511. Conflicting regulations.

In the event of conflict between any airport zoning regulations adopted hereunder and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the city or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Sec. 35-3512. Imaginary surfaces. (Kelly and Randolph Air Force Bases)

(a) The following airport imaginary surfaces are hereby created and establish the limit above which any projection of a structure, natural growth or object constitutes an airport hazard under these regulations:

- (1) Primary surface. The primary surface is centered longitudinally and laterally about each runway. It extends two hundred (200) feet beyond each end of the runway in a horizontal plane at the same elevation as the associated runway end, except at military airports where primary surface length is the same as the runway length. Between the ends of the runway it has a uniform gradient as established by the runway end elevations. The width varies as follows:

- a. Instrument runways, municipally-owned airports, one thousand (1,000) feet.
- b. Noninstrument runways, municipally-owned airports, five hundred (500) feet.
- c. Runway 15-33, Kelly Air Force Base, two thousand (2,000) feet.
- d. Runway 14-32, Kelly Air Force Base, and all runways, Randolph Air Force Base, one thousand five hundred (1,500) feet.

- (2) Approach-departure surface. The approach-departure surface begins at the end of the primary surface, except at military airports where it begins two hundred (200) feet beyond the primary surface, and is centered about the runway center line extended. From a width equal to that of the primary surface it extends outward and upward and increases uniformly in width as follows:
- a. For instrument runways at municipally-owned airports, the approach-departure surface extends outward from the primary surface at a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 to a distance of ten thousand (10,000) feet from primary surface, thence at a slope of 40 to 1 thereafter.
 - b. For noninstrument runways at municipally-owned airports, the approach-departure surface extends outward from the primary surface a distance of ten thousand (10,000) feet, at which point it is two thousand five hundred (2,500) feet wide. It extends upward at a slope of 40 to 1.
 - c. For military airports, the approach-departure surface begins two hundred (200) feet beyond the primary surface and thereafter extends outward a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 until it reaches an elevation five hundred (500) feet above the established airport elevation, then it continues horizontally to its outer end.
- (3) Transitional surface. The transitional surface extends outward and upward at right angles to the runway center line at a slope of 7 to 1 until it intersects the horizontal or conical surface, except that transitional surfaces for those portions of ILS approach surfaces that project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edges of those portions of the approach surfaces and at right angles to the runway center line. For military airports, the transitional surface does not apply for the horizontal portion of the approach-departure surface.
- (4) Inner horizontal surface. The inner horizontal surface is a horizontal plane at a height of one hundred fifty (150) feet above the established airport elevation. Its outer edge is determined by scribing an arc with a radius of seven thousand five hundred (7,500) feet above a point on the center line at the end of all runways and interconnecting these arcs with tangents.

(5) Conical surface. The conical surface extends outward and upward from the outer edge of the inner horizontal surface at a slope of 20 to 1 for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airport elevation.

(6) Outer horizontal surface. The outer horizontal surface is a horizontal plane which extends from the outer edge of the conical surface a distance of thirty thousand (30,000) feet at a height five hundred (500) feet above the established airport elevation.

(b) The attached airport zoning maps are hereby adopted and supersede all prior airport zoning maps. The imaginary surface boundaries are shown on these maps by aerial contours.

Sec. 35-3513. Airport zoning commission designated.

The City of San Antonio zoning commission is hereby designated as the airport zoning commission.

Sec. 35-3514. Joint enforcement. (outside city of San Antonio)

Bexar County and Guadalupe County and all incorporated towns and cities in these counties lying under the imaginary surfaces established in this division are urged to enact ordinances to adopt the provisions of this division.

Sec. 35-3515. Joint airport zoning board created.

Under the authority of Vernon's Ann. Civ. St. art. 46e-3, there is hereby created jointly with the county an airport zoning board, with all of the powers and rights authorized by the legislature of the state by Acts 1947, 50th Legislature, page 784, Chapter 391.

Sec. 35-3516. Administrative agency. (outside city of San Antonio)

The department of building inspections is hereby designated by the joint airport zoning board as the agency charged with the administration and enforcement of this division. The department shall have the assistance of each of the political subdivisions which are a party to this division. It shall be the duty of such political subdivisions to diligently and conscientiously pursue the intent and purpose of this division by, among other things, requiring, accepting, and promptly forwarding to the administrative agency, permit applications originating within their jurisdictions. Neither the joint airport zoning board nor the administrative agency shall have or exercise any of the powers or duties which are delegated to the board of adjustment under Vernon's Ann. Civ. St. art. 46e, sections 7 through 10.

Sec. 35-3517. Judicial review (outside city of San Antonio)

Any person aggrieved or taxpayer affected by any decision of the board of adjustment, or any governing body of a political subdivision or the joint airport zoning board which is of the opinion that a decision of the board of adjustment is illegal, may present to a court of record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality as provided in Vernon's Ann. Civ. St. art. 46e-11.

Division 12. Use Regulations for Property Zoned Prior to
June 28, 1965

Sec. 35-3601. A single-family residence district, permitted uses.

In the A single-family residence district, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) Single-family dwellings.

(b) Public parks or playgrounds, churches, schools, and colleges.

(c) Accessory buildings will be permitted, including a private garage and servants' quarters when located not less than sixty (60) feet from the front line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line, rear line or center of any alley adjacent to such lot line.

(d) Plant nursery, one (1) acre minimum; no sales or advertising signs on property; accessory buildings permitted not to exceed a total of six hundred (600) square feet nor to be closer than fifty (50) feet to the front property line or to any abutting residential zone; no outside storage of equipment or other materials except live plant material.

Sec. 35-3602. B residence district, permitted uses.

In the B residence district, no building or land shall be used, and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Farming and truck gardening, plant nurseries.

(d) Golf courses, except miniature courses operated for commercial purposes.

(e) Water supply reservoirs, towers or artesian wells.

(f) Accessory buildings will be permitted, including a private garage and servants' quarters when located not less than sixty (60) feet from the front line, nor less than five (5) feet

from any other street line, nor less than three (3) feet from either side line, rear line or center of any alley adjacent to such lot line.

(g) Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupation professional offices of physicians, surgeons, dentists, optometrists, chiropractors, osteopaths, natureopaths, musicians, artists, insurance agents or brokers, real estate agents, attorneys, accountants, bookkeepers, architects, engineers, seamstresses, brokers, physical therapists, telephone secretarial services, and no other; provided, no name plat exceeding one (1) square foot in area, nor bulletin boards nor signs exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character be permitted in any residence district.

(h) Churches or schools.

Sec. 35-3603. C and D apartment district and E office district, permitted uses.

In the C and D apartment district and in the E office district, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) Any use permitted in the B residence district.

(b) Boarding or lodging houses.

(c) Child day nurseries and kindergartens may be established in D apartment and E office districts, provided such institutions are limited to twenty (20) children.

(d) Hospitals and clinics, excepting tubercular and veterinary hospitals and clinics and those for alcoholic, narcotic, insane or feebleminded patients.

(f) Hotels in which business may be conducted for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business, except from the inside of the building.

(g) Institutions of a philanthropic nature other than penal or correctional institutions.

(h) Libraries and museums.

(i) Multiple dwellings, apartment houses or group houses (not including tourists or trailer camps, courts or lodges).

(j) Office space in the E office district is permitted provided such space is not used for display or sale of .pa merchandise on the premises and further provided that no name plate, bulletin board, or sign exceeding twelve (12) square feet in area is permitted.

(k) Physical therapists.

(l) Private clubs, fraternities, sororities, lodges, excepting those whose chief activity is a service customarily carried on as a business.

(m) In the C apartment district, accessory buildings and uses customarily incident to any of the above uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than fifty (50) feet from the front lot line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line, rear line or center of any alley adjacent to such lot line.

(o) In the D apartment and E office districts, accessory buildings and uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than five (5) feet from any other street line; nor less than three (3) feet from either side line.

Sec. 35-3604. F, G, and H local retail districts, permitted uses.

In the F, G, and H local retail district, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) Any use permitted in a residence or apartment district.

(b) Bakery, employing less than six (6) persons.

(c) Bank, office, studio, wholesale office or sample room; ice delivery station; plant nursery sales; greenhouses (no outside storage except live plant materials).

(d) Commercial billboards or advertising signs.

(e) Dyeing or cleaning works, employing less than six (6) persons on the premises; or laundry employing less than six (6) persons on the premises.

(f) Gasoline filling station.

(g) Restaurants; theater; moving picture show; tourist or trailer camp; court or lodges.

(h) Retail store, other than for the sale or display of secondhand or salvage merchandise but allowing antique shops where all merchandise is kept inside of the building; shop for custom work or the making of articles to be sold at retail on the premises.

(i) In the H local retail district, public garages shall be permitted; provided, that repair work and storage facilities for automobiles shall be purely incidental to an automobile salesroom where major business is the display and sales of new automobiles by an authorized dealer. Building materials, storage yards and lumber yards shall be permitted; provided, that these yards shall be purely incidental to a hardware or building material retail store where the major business is the display and sales of new building materials; and provided further that the area allowed for the repair and storage of cars, building material yards and lumber yards shall not be nearer than thirty (30) feet from the front line of the building.

Public garages, building material storage yards and lumber yards shall not be permitted in the F and G local retail districts.

(j) New and used car lots shall be permitted provided that there is no dismantling of vehicles or garage work. Vehicles shall be in operating condition, currently state inspected, and subject to the other provisions of this chapter. Where a new or used car business abuts a residence district being used for residential purposes, then a six (6) foot high fence, constructed in such a manner as to provide a visual barrier, shall be required between the residential property and said new or used car business.

(k) Any use not included in any other class, provided such use is not obnoxious or offensive by reason of emission of odor, dust, smoke, gas, fumes, noise or vibration; provided further, that no kind of manufacture or treatment shall be permitted in the F, G, and H local retail districts, other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

(l) Poultry killing and dressing of poultry where completely enclosed within a building shall be permissible so long as not more than two hundred fifty (250) birds are slaughtered in any one (1) week period.

Sec. 35-3605. I business district; J and K commercial districts, permitted uses.

In the I business and the J and K commercial districts, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) Any use permitted in a local retail district. (Retail secondhand merchandise stores, secondhand antique shops where the merchandise may be kept outside of the building.)

- (b) Bakeries.
- (c) Blacksmith or horseshoeing shops.
- (d) Bottling works, ice cream manufacture, ice manufacture, cold storage plants.
- (e) Brewery.
- (f) Broom manufacture.
- (g) Building materials storage yards, lumber yards.
- (h) Candy manufacture.
- (i) Carpet cleaning, where such operation is performed completely indoors within a dust proof cleaning room where mechanical dust collecting, washing and scouring equipment is provided.
- (j) Chicken hatcheries.
- (k) Cigar making.
- (l) Commercial amusement parks, skating rinks, dance halls, driving ranges or miniature golf courses.
- (m) Cooperage works.
- (n) Creamery, and dairy products processing, provided no livestock is kept on the premises in conjunction with such operation.
- (o) Electro-plating; electric works; including armature winding; galvanizing; job printing; newspaper printing.
- (p) Laundry, dyeing or cleaning works.
- (q) Livery stable, riding academy.
- (r) Machine shop.
- (s) Mattress manufacturing and renovating.
- (t) Milk distribution station.
- (u) Mortuaries.
- (v) Paper box manufacture.
- (w) Pecan shelling.
- (x) Penal or correctional institutions; institutions for the care of tubercular, insane, feeble-minded, alcoholic or narcotic patients.
- (y) Poultry killing and dressing and storage of live

poultry, where completely enclosed within a building.

(z) Public garage.

(aa) Refrigeration manufacture.

(ab) Storage warehouse; contractor's plant or storage.

(ac) Wholesale houses.

(ad) Manufacture of any kind not listed in section 35-3613, ("H" local retail district) or in subsection (1) to (29), inclusive of this section; provided, that such use is not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

Sec. 35-3606. L first manufacturing district, permitted uses.

In the L first manufacturing district, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) A use permitted in a residential, apartment, office, local retail or commercial district.

(b) Acetylene gas manufacturing or storage.

(c) Alcohol manufacture.

(d) Arsenal.

(e) Automobile wrecking (Salvage yards and junk yards).

(f) Bag cleaning.

(g) Blast furnace.

(h) Boiler works.

(i) Brick, tile, pottery or terra cotta manufacture.

(j) Candle manufacture.

(k) Canning or preserving factory.

(l) Carpet cleaning, if no dustproof cleaning room with mechanical dust collecting, washing and scouring equipment is provided.

(m) Celluloid and similar cellulose material manufacture.

(n) Central mixing plant for cement, mortar, plaster or paving materials.

(o) Coal hoist, coal pocket or coal tar trestle.

(p) Cotton ginning or cotton baling and cottonweed products manufacture.

(q) Creamery and dairy products processing where livestock is kept on the premises in conjunction with the operation.

(r) Disinfectant or insecticide manufacture.

(s) Dyestuff manufacture.

(t) Emery cloth and sandpaper manufacture.

(u) Fish smoking and curing.

(v) Flour mill.

(w) Forge plant.

(x) Grain elevator.

(y) Iron, steel, brass or copper foundry or fabrication plant.

(z) Oilcloth or linoleum manufacture.

(aa) Oiled or rubber goods manufacture.

(ab) Paper and pulp manufacture.

(ac) Petroleum products, wholesale storage of.

(ad) Pickle manufacture.

(ae) Planing mills and wooden box manufacture.

(af) Potash works.

(ag) Poultry killing and dressing; storage of live poultry.

(ah) Pyroxylin manufacture.

(ai) Railroad roundhouse or shops.

(aj) Rock crusher.

(ak) Rolling mills.

(al) Rubber or gutta percha manufacture or treatment.

(am) Salt works.

(an) Sauerkraut manufacture.

(ao) Shoe polish manufacture.

(ap) Soda and compound manufacture.

(aq) Stone mill or quarry; stone monumental works.

(ar) Storage or baling of rags, iron or junk.

(as) Stove polish manufacture.

(at) Tar roofing or waterproofing manufacture.

(au) Textile manufacture.

(av) Tobacco (chewing), manufacture or treatment.

(aw) Veterinary hospital.

(ax) Wool pulling or scouring.

(ay) Yeast plant.

(az) Manufacture or industrial operation of any kind and heretofore listed, and exclusive of any use listed as a second manufacturing use in section 35-3619.

Sec. 35-3607. M second manufacturing district, permitted uses.

In the M second manufacturing district, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one (1) or more of the following uses:

(a) A use permitted in a first manufacturing district.

(b) Acid manufacture.

(c) Ammonia, bleaching powder or chlorine manufacture.

(d) Asphalt manufacture or refining.

(e) Cement, lime gypsum or plaster-of-paris manufacture.

(f) Coke ovens.

(g) Creosote treatment or manufacture.

(h) Distillation of bones, coal or wood.

(i) Explosives or fireworks manufacture or storage.

(j) Fertilizer manufacture.

(k) Fat rendering.

(l) Garbage, offal or dead animal reduction or dumping.

(m) Gas (illuminating or heating) manufacture.

(n) Glue or gelatin manufacture.

- (o) Gunpowder, manufacture and storage.
- (p) Lampblack manufacture.
- (q) Match manufacture.
- (r) Ore reduction.
- (s) Paint, oil, shellac, turpentine or varnish manufacture.
- (t) Petroleum products, refining.
- (u) Smelting of tin, copper, zinc or iron ores.
- (v) Soap manufacture, other than liquid soap.
- (w) Stockyards or slaughter of animals.
- (x) Tanning, curing or storage of raw hides or skins.
- (y) Tar distillation or manufacture.
- (z) Vinegar manufacture.

(aa) Any purpose whatsoever not in conflict with this Code and any other ordinance of the city regulating nuisances.

Sec. 35-3610 Height, yard and area requirements for property zoned prior to June 28, 1965.

a. Height requirements.

- (1) A, B, C, and F districts. The maximum height shall be two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in section 35-3612.
- (2) D, E, G, and J districts. The maximum height shall be three stories or forty-five (45) feet, except as provided in section 35-3612.
- (3) H districts. The maximum height at the required front, side and rear yard line shall be eight (8) stories or one hundred (100) feet; but above the height permitted at side yard line, four (4) feet may be added to the height of a building for each one (1) foot that the building or portion thereof is set back from the required yard line; provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred (100) feet.
- (4) I districts. The maximum height at the street line shall be one hundred fifty (150) feet, but above the height permitted at the street line, four (4) feet may be added to the height of a building for each one (1) foot that the building or portion thereof is set back from the street line; provided, however, the cubical contents of such building shall not exceed the cubical content of a prism having a base equal to the area of the lot and a height of two hundred (200) feet. A tower may be constructed without reference to the above limitations; provided, that the largest horizontal dimensions of any side of the tower shall not exceed sixty (60) feet; provided, that the horizontal area shall not exceed twenty-five (25) percent of the area of the lot, and provided, further, that each such tower shall be removed at least twenty-five (25) feet from all lot lines and at least fifty (50) feet from any other tower.
- (5) K, L, and M districts. The maximum height shall be ten (10) stories or one hundred and twenty-five (125) feet at the street line; but above the height permitted at the street line, four (4) feet may be added to the height of a building for each one (1) foot that the building or portion thereof is set back from the street line; provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred and twenty-five (125) feet.

b. Yard and area requirements. The yard and area requirements shall be as indicated in the following table.

District	Use	Minimum yard			Minimum Area
		Front	Each side	Rear	
A	One-family residential	20'	5'	20% of lot depth up to 35' maximum	5,000 sq.ft.
	Other	30'	35'	35'	None
B	One-family residential	20'	5'	20% of lot depth up to 25' maximum	5,000 sq.ft.
	Two-family residential	20'	5'	20% of lot depth up to 25' maximum	6,000 sq.ft.
	Other	20'	5'	20% of lot depth up to 25' maximum	None
C	Residential	20% of lot depth up to 20' maximum	5'	20% of lot depth up to 25' maximum	5,000 sq.ft. for first dwelling unit; 900 sq.ft. for each additional unit.
	Nonresidential	20% of lot depth up to 20' maximum	5'	20% of lot depth up to 25' maximum	None
D	Residential	25'	5'	20% of lot depth up to 25' maximum	5,000 sq.ft. for first dwelling unit; 1,000 sq.ft. for each additional unit
	Nonresidential	25'	5'	20% of lot depth up to 25' maximum	None

District	Use	Minimum yard			Minimum Area
		Front	Each side	Rear	
E	Residential		Same as C district		
	Nonresidential 8 stories or less in height	25'	5'plus 1' for each story above three	20% of lot depth up to 25' maximum	None
	Nonresidential over 8 stories in height	25'	As specified in Sec. 35-3612	20% of lot depth up to 25' maximum	None
F	Residential		Same as C district		
	Nonresidential	25'	None##	20% of lot depth up to 25' maximum	None
G	Residential		Same as C district		
	Nonresidential	15'	None#	20% of lot depth up to 25' maximum	None
H	Residential		Same as C district		
	Nonresidential	15'	None##	None#	None
I	Residential		Same as C district		
	Nonresidential	None	None##	None	None
J	Residential		Same as C district		
	Nonresidential	15'	None##	None#	None
K, L, and M	Residential		Same as C district		
	Nonresidential	None	None	None#	None

- * The requirements for double letter districts (GG, HH, II, JJ, KK, LL, and MM) are the same as for the corresponding single letter district except that the minimum front yard shall be twenty-five (25) feet.
- # A yard of ten (10) feet is required when abutting a residential district.
- ## Although a yard is not required, if one is provided it shall not be less than three (3) feet. A yard of ten (10) feet is required when abutting a residential district.

Sec. 35-3611. Corner lots.

On corner lots in zoning districts A through J, the side yard shall be the same as for interior lots except in the case of reverse frontage where the corner lot faces an intersecting street. In such cases, these shall be a side yard on the street side equal to the front yard on the lots in the rear.

Sec. 35-3612. Exceptions to regulations.

The height, yard and area requirements shall be subject to the following exceptions and regulations.

(a) Height.

- (1) The height and area requirements for public and semipublic buildings, hospitals, sanitarium or schools in the thirty-five (35) and forty-five (45) foot height districts shall be the same as those allowed in the E office district except in the case of side yards, which shall be increased three (3) feet in width for each additional story above the second in the thirty-five (35) foot height district, and three (3) feet in width for each additional story above the third in the forty-five (45) foot height district.
- (2) Single-family dwellings in the thirty-five (35) foot height district may be increased in height by not more than ten (10) feet when two (2) side yards of not less than ten (10) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.
- (3) Chimneys, towers, penthouses, scenery lofts, sugar refineries, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with this Code and the ordinances of the city.
- (4) On through lots, one hundred and fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred and fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty (150) feet from the street.

(b) Side yards.

- (1) Side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.
- (2) On lots with existing residences having three (3) foot side yards, this building line may be maintained on any addition to the residence, but in no instance shall the side yard be less than three (3) feet.

(c) Rear yards. In computing the depth of a rear yard for any building where such yard opens onto an alley, utility/drainage right-of-way or easement which is not part of a platted lot, one-half of such alley, utility/drainage right-of-way or easement, up to a maximum of fifteen (15) feet, may be assumed to be a portion of the rear yard.

(d) Accessory buildings. All accessory buildings may occupy not more than thirty (30) percent of the rear yard area nor shall the floor area of all accessory buildings on one (1) lot exceed fifty (50) percent of the floor area of the principal structure exclusive of breezeways and attached garage; providing, however, that this requirement shall not reduce the total floor area of all accessory buildings on one (1) lot to less than six hundred (600) square feet and in no case shall any accessory building be built closer than ten (10) feet to the main building. The height of an accessory building shall not exceed one (1) story (maximum twelve (12) feet) when such subordinate building is incidental to a residential use.

(e) Projection, etc. Every part of a required yard or court shall open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt cornices, buttresses, ornamental features and eaves.

(f) Cornices. No cornice shall project over the street line more than five (5) percent of the width of such street, and shall in no case project more than four (4) feet.

(g) Fire escapes, balconies, etc. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 1/2) feet and the ordinary projections of chimneys and flues may be permitted by the director of building inspections where they are so placed as not to obstruct the light and ventilation.

(h) Lot frontage and lot area. Lot frontage or area on single lots, separately owned: on any properly platted lot with forty (40) feet of street frontage held under a distinct ownership from adjoining lots prior to June 28, 1965. Such separately owned property being of record at the time, a single-family house may be erected even though the lot may have less than fifty (50) feet of street frontage or be of less area than required by the regulations relating to frontage and area in the district in which it is located; provided, however, that the lot in question is properly zoned and in any event the combined area of the residence and accessory buildings shall not cover more than forty (40) percent of the total area of the lot.

(i) Setbacks. Where the frontage on one (1) side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setbacks on the most restricted district shall apply to the entire block.

Sec. 35-3613. Minimum street frontage.

Each lot shall have a minimum of fifty (50) feet frontage on a public street except on irregularly shaped lots which may have a minimum street frontage of twenty (20) feet. In no case, however, shall any lot have less than fifty (50) feet at the building line, except as provided for in section 35-3612.

Sec. 35-3614. Vision clearance.

On any corner lot on which a front yard is required by this chapter, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street line at point twenty-five (25) feet from the point of intersection measured along such street lines.

Sec. 35-3615. Display signs.

Permits may be granted for the placement of business signs in F districts or those of lower classification, provided that no part of such signs are placed nearer than five (5) feet from any property line abutting a public street or nearer than five (5) feet from the property line adjacent to property zoned for residential purposes, and provided that such sign shall comply in all other respects with Chapter 28.

Sec. 35-3616. Parking and loading requirements.

Off-street parking and truck loading facilities shall be provided in all districts in accordance with the requirements of this chapter for residential uses only.

ARTICLE IV. SUBDIVISIONS

Division 1. General.

Sec. 35-4001. Nonconforming subdivisions prohibited.

No person shall subdivide any tract of land which is located within the city or its extraterritorial jurisdiction, except in conformity with the provisions of this chapter.

Sec. 35-4002. Enforcement.

(a) Permits. Building and/or repair permits will not be issued by the city for any structure on a lot within the corporate limits of the city which has not been platted in the manner prescribed by this chapter and the plat duly recorded in the office of the county clerk.

(b) Utility service. No public utility such as water, sewers, electricity, or gas which is owned, controlled or distributed by the city, will be provided to a lot in a subdivision within the corporate limits of the city or within its extraterritorial jurisdiction that has not been platted in the manner prescribed by these regulations and the plat duly recorded in the office of the county clerk, except as provided for below.

Sec. 35-4003. Exceptions for electrical service.

(a) City public service is authorized to provide electrical service upon application by the owner of a tract or parcel of land under the conditions set out below:

- (1) The tract or parcel of land is situated outside the corporate limits of the city within its extraterritorial jurisdiction and has a minimum of fifty (50) feet of frontage on a dedicated public street.
- (2) The tract or parcel of land is not part of a platted subdivision.
- (3) The owner of the tract or parcel of land acted in good faith in acquiring ownership and was not knowingly a participant in a scheme to evade the provisions of these regulations or the provisions of Vernon's Local Government Code, Chapter 212, through the unlawful subdivision of land in a manner contrary to such provisions.
- (4) The owner of the tract or parcel of land agrees that any future subdivision of land into two (2) or more parts will be undertaken only in the manner prescribed by the subdivision regulations of the city.
- (5) The tract or parcel of land conforms to the standards established by the Bexar county commissioners court order entitled "Regulations and Licensing of Private Sewage Facilities in Bexar County" or by another appropriate county septic licensing authority, and the owner has obtained from the county department of public works or from another

appropriate county septic licensing authority, a private sewage facility construction permit and license.

- (6) The tract or parcel of land is or will be provided with a water supply either:
 - (a) By a utility operating under a certificate of convenience and necessity issued by the Texas Water Commission and meeting the requirements established by the Texas Department of Health, or
 - (b) By the installation and operation of a water well on the tract or parcel of land which is capable of supplying a sufficient quantity of potable water to meet the needs of the owner and which conforms to standards established by competent authorities.
- (7) The electricity to be provided will serve only one (1) customer for a single-family residence on the aforesaid tract or parcel of land and for uses appurtenant to that structure, such as sheds, outbuildings, pumps, and outdoor lighting.

(b) In order to obtain electrical service under the conditions stated above, the applicant shall provide to city public service two (2) copies of a duly executed declaration, which has been recorded in the office of the county clerk, such declaration to be in the same form as that set out in Exhibit B included at the end of this chapter. City public service will retain one (1) copy of the declaration and provide one (1) copy to the director of planning of the city. The director of planning will report to the planning commission, on an annual basis, the number and locations of tracts or parcels of land to which electrical service has been provided under the conditions set out herein during the preceding year.

(c) City public service is authorized, upon presentation of evidence of certification, to provide electrical service to a utility operating under a certificate of convenience and necessity issued by the Texas Public Utility Commission or Texas Water Commission when such a utility requires service to operate equipment of machinery for the production, supply or distribution of the utility.

(d) City public service is authorized to provide electrical service to outdoor signs and billboards wherever their use is legally permissible and to provide electrical service on a temporary basis and for a specified period of time to temporary structures such as roadside stands and construction huts. Service will be terminated at the end of the period specified in the application unless the applicant submits an application for continuation of the service for another specified period of time.

Sec. 35-4006. Variances.

(a) When authorized.

- (1) The planning commission may authorize a variance to the platting requirements for a proposed plat when, in its opinion, undue hardship will result from requiring strict compliance with this chapter. Variances shall not be authorized by the commission once the plat has

been approved. The variance permitted shall be the minimum departure from the requirements to these regulations.

- (2) Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider standing alone shall not be deemed to constitute undue hardship.

(b) Required conditions and findings. In granting a variance, the planning commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings required below, the commission shall take into account the nature of the proposed use of the land involved, topographical conditions, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the planning commission finds:

- (1) That there are special circumstances or conditions, unique to land involved which can be identified, such that strict application of any part of the requirements of this chapter would deprive the applicant of the reasonable use of his land;
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (4) That the granting of the variance will not set precedence nor have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

(c) Process:

- (1) The applicant shall submit in writing to the director of planning, as executive secretary of the planning commission, a letter specifying the section for which a variance is requested and stating the grounds for the request along with all supportive facts upon which he believes a variance is warranted. The director of planning shall review the facts and distribute the letter to the appropriate departments and agencies. Such departments/agencies shall, within fifteen (15) days of the receipt of the letter, respond in writing to the applicant and to the planning commission as to the following:
 - (a) The section and specific subdivision regulations and the respect in which the proposed plat does not comply.
 - (b) An evaluation of the specific facts submitted by the applicant and the factors indicated above for use by the commission in making its findings.

- (c) A specific recommendation of either approval or denial and any conditions which the commission may wish to impose in considering the variance.
- (2) Such findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is granted.
- (3) Each request for a variance shall be accomplished by a filing fee as specified in Exhibit C and the planning commission shall not consider a variance request until such payment has been made. If a request is received for multiple variances, a fee must be paid for each section of the chapter from which a variance is sought.

Sec. 35-4007. Plat deferral.

(a) The planning commission may grant a deferral of the requirement to plat to allow a building permit and/or utility services prior to platting. The time period for which the platting requirement may be deferred shall normally not exceed one hundred eighty (180) days.

(b) An application to defer platting may be filed if the following conditions are met:

- (1) The proposed plat is not part of a planned unit development or planned residential development.
- (2) The proposed project will not require a flood plain development permit.
- (3) The proposed project is not a replat which requires a public hearing involving notification in accordance with section 35-4214.
- (4) Construction will not encroach onto an existing or proposed easement, right-of-way, or building setback.
- (5) The proposed plat will not require a variance to the subdivision regulations.
- (6) The proposed project is not contingent upon a change in zoning classification.
- (7) Construction will not occur over the Edwards Recharge Zone.

(c) To request a plat deferral, a letter of application signed and certified by the landowner or his authorized agent shall be filed with the director of planning. The letter shall further state what specific services are required prior to platting, specify the reasons for the request and address the consequences or alternatives if the deferral is denied. The following supportive documents shall accompany the application letter.

- (1) A letter from the engineer/surveyor preparing the plat with his professional seal affixed and certifying to the following:

- (a) The engineer/surveyor has been retained to prepare the plat, the date he was retained, the status of the plat, and the expected date for formal filing of the plat.
 - (b) None of the conditions listed in subsection (b) above are present.
 - (c) The property contains a suitable building site.
- (2) A preliminary plat with the engineer's/surveyor's seal showing the limits of the one hundred-year flood plain, and topographic contours, and an 8 1/2" x 11" reduction of the plat on bond paper.
 - (3) An affidavit signed by the landowner or his authorized agent acknowledging his liability to comply with the subdivision regulation if the request is granted.
 - (4) An affidavit signed by the primary lending institution involved acknowledging their loan commitment and the landowner's risk, liability, and responsibility to comply with the subdivision regulations.
 - (5) A processing fee as specified in Exhibit C.
 - (6) Platting fees as specified in Exhibit C.
- (d) The application letter and supporting data shall be reviewed by the department of planning and other appropriate departments/agencies within thirty (30) days of receipt of all required documents and fees.
- (e) The planning commission may grant or deny a request to defer platting. All plat deferrals shall be subject to the following conditions as applicable:
- (1) Recommendations of departments/agencies providing services prior to platting as approved by the planning commission.
 - (2) The required subdivision plat shall be formally filed with the planning commission within one hundred eighty (180) days.
 - (3) No certificate of occupancy shall be issued until the plat is duly approved and recorded in the office of the county clerk.
 - (4) No permanent electrical service shall be issued until the plat is approved and recorded in the office of the county clerk.
- (f) If a plat is not submitted within one hundred thirty-five (135) days of the date the plat deferral was granted by the planning commission, the director of planning shall notify the applicant by certified mail that failure to file a plat within forty-five (45) days shall result in the termination of electrical service. If the applicant believes such action is unjustified, he may appeal to the planning commission at any time during the forty-five (45) day notice period. Prior to termination, the planning commission shall formally consider and adopt a resolution authorizing the removal of electrical service until such time as a plat is approved and recorded.

Division 2. Planning Commission

Sec. 35-4011. Rules and regulations of the planning commission.

The planning commission shall observe the following rules and regulations:

- (a) The officers of the commission shall be chairman and vice-chairman who shall be elected for a one-year term.
- (b) The chairman shall preside over all meetings of the commission. The vice-chairman shall preside in the absence or at the request of the chairman. An additional presiding officer pro-tem may be selected by the commission members to preside over meetings in the place of the chairman and the vice-chairman.
- (c) A quorum shall consist of five (5) members of the commission. No final action shall be taken on any matter except pursuant to a majority vote of the members present; however, in no case shall less than five (5) votes constitute a majority.
- (d) Regular meetings of the planning commission shall be held each Wednesday at 2:00 p.m. at city hall. Special meetings may be called by the Chairman provided that notice for such special meetings is made in accordance with the requirements of the Open Meetings Act. All meetings of the commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Open Meetings Act.
- (e) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members or by opponents or proponents of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.
- (f) Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision which may be done only by a majority vote of the members present.
- (g) Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.
- (h) A member shall not vote or participate as a member in any matter before the commission if the member has any interest in this matter, whether such interest is direct or indirect, and financial or otherwise. In any case where the question of a member's interest is raised, the chairman shall rule on whether the member should be disqualified.
- (i) The commission shall take no final action on any matter before it without first obtaining a recommendation from the director of planning and reports from the other city departments concerned, as determined by the commission.
- (j) Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer.

(k) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.

Division 3. Subdivision design standards.

Sec. 35-4021. Conformity with master plan.

All subdivisions shall conform to the master plan and the parts thereof.

Sec. 35-4022. Provisions for future subdivision.

If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and logical further subdivision.

Sec. 35-4023. Reserve strips prohibited.

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use. It shall be the responsibility of the subdivider/developer/owner of land being platted or replatted that there are no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

Sec. 35-4024. Site improvements.

Streets, alleys, sidewalks and other site improvements required under the provisions of this chapter to be installed in subdivisions by the subdivider shall conform to the specification of this chapter and to the then current policies and regulations of the directors of public works and environmental management, city public service board, city water board, or other approved utility districts or agencies involved with reference to payment for such installations, refunds, credits and other financial arrangements.

Sec. 35-4025. Neighborhood delivery and collection box units.

(a) The subdivider shall coordinate with the U.S. Postal Service for the location and placement of neighborhood delivery and collection box units by the postal service in accordance with the agreement between the city and the postal service. A copy of this agreement is on file with the director of public works.

(b) The location of the neighborhood delivery and collection box units shall be shown on the utility layout and approved by the reviewing agencies/departments prior to plat approval.

Sec. 35-4026. Blocks.

(a) Factors governing dimensions. The length, width and shape of lots shall be such as to:

- (1) Provide adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Accommodate lots of the size and dimensions required by article III of this chapter.

(3) Provide for convenient access, circulation, control and safety of street traffic.

(4) Give due regard to the limitations and opportunities of topography.

(b) Length. In general, block lengths may not exceed eighteen hundred (1800) feet or be less than five hundred (500) feet.

Sec. 35-4027. Lots.

(a) Dimensions generally. The size, width, depth, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Unless the requirements of article III of this chapter are more stringent or unless a planned unit development or planned residential development is being platted or unless the commission shall set more stringent requirements as provided for hereafter, lot dimensions shall be as follow:

(1) Sewered lots. Where off-lot sewerage is provided, each lot shall have an area of at least five thousand (5,000) square feet and shall be at least fifty (50) feet wide except in the case of a planned unit development, planned residential development, townhouse, or small lot home subdivision. In the case of irregularly shaped lots, the minimum width shall be measured at the required front building.

(2) Unsewered lots. Where off-lot sewerage is not required and is not provided, the lot size shall be determined in accordance with the requirements of the Bexar County commissioners court order "Regulating and Licensing of Private Sewage Facilities," and shall be approved by the director of county public works department prior to approval by the planning commission. Planned unit developments shall not be permitted with septic tank system installations unless approved by the director of the county public works department. The septic tank system, if approved, shall serve only one (1) individual unit, and the septic tank system shall be located on the lot on which the unit is located.

(b) Increased dimensions.

(1) The commission shall have authority to increase minimum space requirements if the commission finds that any or all of following conditions exist and that in its judgment the adverse conditions will be averted.

(a) Where lots conforming to the minimum requirements would disrupt the essential character of the neighborhood.

(b) Where lots conforming to the minimum requirements, in relation to existing or planned adjacent properties conforming to a larger spacing, would be so small as to cause substantial injury to such adjacent properties by decreasing the market value thereof or otherwise.

(c) Where lots conforming to the minimum requirements would be inconsistent with the city master plan or good neighborhood planning.

(d) Where lots widths or area as proposed would have adverse effects on health or welfare due to unusual topographic conditions or soil conditions relative to proper functioning of any planned septic tank or water system.

(2) If the commission shall determine that any or all of the above conditions exist, it may increase the minimum requirements as to area or width so that in the judgement of the commission the adverse conditions will be abated.

(c) Frontage.

(1) Except for planned unit developments or planned residential developments, all lots shall front on a public street and shall have a minimum frontage width as follows:

<u>Minimum lot size</u>	<u>Minimum frontage width</u>
5,000 square feet	50 feet
4,200 square feet	42 feet
Townhouse lots	No minimum

(2) On lots of irregular shape, the width may be measured at the building line; however, except for townhouse lots a minimum street frontage of twenty (20) feet shall be required.

(d) Minimum setback lines.

(1) In general. Minimum front and side building setback lines at streets and crosswalkways shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivider, but in no event shall such setback lines be less than required by article III of this chapter.

(2) Building setback lines adjacent to high pressure oil and gas lines. No structure shall be located nearer than twenty-five (25) feet to a high pressure oil, gas, or gasoline line. And further, adjacent to such high pressure lines, a twenty-five (25) foot building setback line (measured at right angles from the center line of the fuel line) shall be shown on the final plat.

(3) Utility lines. Building setback lines adjacent to existing overhead utility lines shall be such as to ensure compliance with the provisions of sections 35-4281 and 35-4282.

(e) Corner lots. Corner lots shall have sufficient width to provide appropriate building setback from and orientation to both streets as required by article III of this chapter. Lots abutting on crosswalkways shall be treated as corner lots.

(f) Extra depth and width in certain cases. Where a lot in a residential subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, a major thoroughfare, an industrial area or other existing land use which has a depreciating effect on the residential use of the property, and where no marginal access street or other street is provided at the rear of such lot, additional depth shall be required, but in no case shall a depth in excess of one hundred forty (140) feet be required. Where a rear lot sides to any of the above, appropriate additional width shall be required.

Sec. 35-4028. Land suitability.

(a) Every lot shall contain a suitable building site.

(b) The planning commission may disapprove a plat if the commission finds the land to be unsuitable for development due to natural/environmental conditions which may pose a danger to health, safety, or property. Natural/environmental conditions which may render land unsuitable for development include, but are not limited to, flooding, steep slopes, unstable soils, or the presence of a sanitary landfill site. In disapproving a plat, the commission shall incorporate its findings, together with the specific facts upon which the findings are based, into the official minutes of the commission meeting at which the plat is considered.

Sec. 35-4029. Drainage facilities.

Drainage facilities shall be provided and constructed as specified in Exhibit A included at the end of this chapter.

Sec. 35-4030. Airport height limitations.

(a) Height limitations imposed by the airport zoning ordinance of the city shall be shown on the subdivision plat in cases where those limitations prohibit the erection of any building or structure of a height of more than twenty (20) feet above ground elevation of the proposed location of the building or structure. These limitations shall be shown in terms of height above ground elevation at appropriate locations on the plat and shall also include existing or finished elevations at those points. The director of planning may require any information from the subdivider necessary to establish the effect of the airport zoning ordinance on any subdivision plat submitted for consideration by the planning commission. This information shall be provided and certified by the registered professional engineer or registered land surveyor employed by the subdivider.

(b) When the above limitations are determined to be in effect within the boundaries of the proposed subdivision, the owner's certification shall include the following statement: "I understand that this subdivision is subject to the restrictions of the airport zoning ordinance and the maximum height of any proposed structure or building within this subdivision will be limited in accordance with the provisions of that ordinance."

Sec. 35-4061. Zero lot line subdivisions.

(a) Maintenance easement. 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 toolsheds or fences without a gate. When filing a plat 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 city at the time of plat recordation. Along with the required plat filing fees, an additional fee shall be provided by the subdivider to cover the recording costs of these deed restrictions.

(b) Plat annotation. 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."

Sec. 35-4062. Townhouse subdivisions.

(a) For townhouse subdivisions, adequate provision shall be made by the subdivider for common ownership and maintenance of community facilities such as recreation and open space, parking, access and similar common use areas. Such open and service areas shall be described and so indicated on the subdivision plat.

(b) The description "townhouse subdivision" shall be prominently indicated on the subdivision plat. Also the plat shall include a statement designating all lots in the subdivision to be limited to townhouse use.

(c) The subdivider shall also furnish the city two (2) copies of deed restrictions limiting the property to townhouse use and providing disposition and maintenance covenants on all open space or other common ownership areas. Such restrictions shall be recorded by the city at the time of plat recordation. Along with the required plat filing fees, an additional fee shall be provided by the subdivider to cover county recording costs of such restrictive covenants.

Sec. 35-4063. Small lot home subdivisions.

(a) Small lot home subdivisions are allowed with a minimum lot area of four thousand two hundred (4,200) square feet and a minimum width of forty-two (42) feet. These subdivisions should be compatible with adjacent lots and subdivisions, and should be located with consideration given to the densities of neighboring areas in accordance with good planning principles.

(b) The description "small lot subdivision" shall be prominently indicated on the subdivision plat.

(c) When small lot subdivisions are platted, the subdivider shall provide the city with two (2) copies of the deed restrictions establishing the maintenance easements. If the development is in the city's extraterritorial jurisdiction, the deed restrictions shall further include provisions for setback specifications

as set out in article III of this chapter. One (1) copy of these deed restrictions shall be recorded by the city at the time of plat recordation. A fee apart from the plat recording fee shall be provided to the city by the subdivider to cover the costs of recording the deed restrictions. For lots platted within the city's extraterritorial jurisdiction, the following annotation shall also appear on the plat:

"A copy of the required restrictions will be filed in the Plat and Deed Records of _____ County on the same date as this plat."

Sec. 35-4064. Planned unit developments.

(a) Planned unit developments shall comply with the provisions contained in article III of this chapter; however, planned unit developments in the city's extraterritorial jurisdiction are exempt from the zoning procedure.

(b) The description "planned unit development" shall be prominently indicated on the subdivision plat.

Sec. 35-4065. Planned residential developments.

(a) Planned residential development subdivisions shall comply with the provisions contained in article III of this chapter; however, planned residential developments in the city's extraterritorial jurisdiction are exempt from the zoning procedure.

(b) The description "planned residential development" shall be prominently indicated on the subdivision plat.

(c) For planned residential developments outside the city limits, the applicant shall provide two (2) copies of deed restrictions limiting the density of each plat to the maximum allowed by the approved development plan.

Sec. 35-4066. Subdivision of duplex lots.

A lot upon which there is located two attached dwelling units may be subdivided or resubdivided through the common wall into separate fee simple lots for each dwelling unit subject to the following requirements.

- (a) The two-family dwelling or duplex lot shall be vacated and replatted.
- (b) Each single-family lot resulting from the subdivision shall have a minimum lot area of four thousand (4,000) square feet and shall be at least forty (40) wide except in the case of a planned unit development or planned residential development.
- (c) Separate utility meters shall be provided to each newly created single-family lot.
- (d) Separate water and wastewater service lines shall be provided to each newly created lot and shall not traverse any other lot.
- (e) Where common gas and electrical lines are provided to two single-family lots, easements approved by City Public Service shall be provided.
- (f) Walls and floors separating dwelling units in the same building shall not be less than one-hour resistive construction.

Division 4. Streets and Sidewalks.

Subdivision A. Streets.

Sec. 35-4101. Street layout.

The arrangement, character, extent, width, grade and location of all streets shall conform to the master plan and the major thoroughfare plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood development.

Sec. 35-4102. Relation to adjoining street system.

Where necessary to the neighborhood pattern existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith. Where streets change design in alignment and width, an appropriate transition shall be provided for safe and efficient traffic flow.

Sec. 35-4103. Projection of streets.

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

Sec. 35-4104. Street intersections.

Street intersections shall be as nearly at right angles as practicable. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided at intersections.

Sec. 35-4105. Half-streets.

In the case of collector, local, or marginal access streets, except in the most unusual circumstances, no new half-streets shall be platted. Where the proposed subdivision abuts upon an existing half-street, the other half of the street shall be platted.

Sec. 35-4106. Dead-end streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the depth of the adjacent lot.

Sec. 35-4107. Cul-de-sac streets.

In general, cul-de-sac streets may not exceed five hundred (500) feet in length and shall have a turnaround of not less than one hundred (100) feet in diameter in residential areas and not less than one hundred-fifty (150) feet in diameter in commercial and industrial areas. The turnaround shall include at least eighteen (18) feet of paved driving surface with a minimum exterior radius of

forty (40) feet for residential areas and sixty (60) feet for commercial and industrial areas. The interior of the turnaround may be landscaped or paved. In residential areas, cul-de-sac streets over five hundred (500) feet in length may be acceptable pending approval by the planning commission. The commission will accept or reject a plan with longer cul-de-sac streets based on its merits after considering density, land use, safety and convenience.

Sec. 35-4108. Nonaccess easement.

When deemed necessary, a vehicular nonaccess easement may be required on a lot(s) for the purpose of controlling ingress and egress to vehicular traffic.

Sec. 35-4109. Arterial streets.

Where a primary or secondary arterial street, as shown on the major thoroughfare plan, traverses or is contiguous with an area being platted, such primary or secondary arterial street shall be platted in the location and of the width indicated by the requirements of the major thoroughfare plan and these regulations. In no event shall an area be platted so as to leave a narrow strip of land which is unsuitable as a building site, unmarketable, or is undevelopable (as these terms are commonly known) and which is excluded from platting for the purpose of circumventing these requirements.

Sec. 35-4110. Access from major thoroughfares.

Where a subdivision abuts a major thoroughfare, vehicular access to lots therein shall be limited as follows:

(a) Lots in low density residential developments shall not front on the thoroughfare, and access points which would permit vehicular access to such lots from the thoroughfare shall be prohibited. However, if conditions are such that vehicular access to such lots cannot be provided other than from the thoroughfare, the director of public works is authorized to permit the creation of a marginal access street or easement to serve two (2) or more lots. The marginal access street or easement shall be designed to permit entry to the thoroughfare without requiring a motorist to execute a backing maneuver. Marginal access streets or easements shall be included on the plat of the subdivision.

(b) Lots in commercial, industrial and medium or high density residential developments may have vehicular access from the thoroughfare. However, the number of access points permitted will be based on the following criteria:

- (1) For lots with less than two hundred (200) feet of frontage, one (1) access point;
- (2) For lots with a frontage of two hundred (200) feet or more, two (2) access points.

(c) The specific location of access points will be determined by the director of public works (or by the Texas State Department of Highways and Public Transportation or county authority, if appropriate) at such time as a site plan is reviewed preparatory to the issuance of a building permit.

(d) The director of public works (or Texas State Department of Highways and

Public Transportation, or county authority, if appropriate) is authorized to permit additional access points under the following conditions:

- (1) The additional access points are necessary to ensure the property owner beneficial use of the land; and
- (2) The resulting additional ingress and egress of vehicles will not seriously disrupt the flow of traffic on the thoroughfare.

Sec. 35-4111. Local streets.

Local streets shall be laid out so as to discourage through traffic and high speed traffic. Local streets, however, should be reasonably accessible from collector streets to insure prompt access by emergency vehicles and other essential services. Local streets shall be designated as Type A, Type B or marginal access streets, and shall be required based upon the function served as described by their respective definition set forth in this chapter.

Sec. 35-4112. Marginal access streets.

(a) Marginal access streets should be located parallel to and adjacent to an arterial street. When abutting property is residential, this street shall be designated as a "residential marginal access street". For abutting properties other than residential, this street shall be designated as a nonresidential marginal access street.

(b) Where the subdivider furnishes a marginal access street on the subdivision side of a primary or secondary arterial, he shall not be required to furnish any pavement, curbs, or sidewalks for the primary or secondary arterial.

Sec. 35-4113. Pavement and right-of-way width:

(a) Interior streets.

- (1) The subdivider shall dedicate all interior streets within the subdivision based upon the following table:

Street Type	Right-of-way Width	Pavement Width
Primary arterial	110 ft.	44 ft. (min.)
Secondary arterial	86 ft.	44 ft. (min.)
Collector	60 ft.	44 ft.
Type A local	50 ft.	30 ft.
Type B local	60 ft.	40 ft.
Nonresidential marginal access	40 ft.	30 ft.
Residential marginal access	40 ft.	26 ft.
Safety lane	22 ft.	22 ft.

- (2) The pavement width for primary and secondary arterial streets shall be divided into two (2), twenty-two (22) foot widths by means of a median as depicted in typical sections in Exhibit A. This median may be eliminated if traffic development will be such that a divider is not essential for safe and efficient traffic flow during the usable life of the street construction. Based upon the recommendation of the director of public works, the planning commission will determine whether the median may be eliminated from the subdivision requirements. The section for deleting the median is the same for the collector street shown in Exhibit A, except that the right-of-way shall be appropriate for either a primary or secondary arterial street.

(b) Adjacent streets. The subdivider shall dedicate right-of-way width and provide pavement width in accordance with the following table and typical sections in Exhibit A.

<u>Street Type</u>	<u>Right-of-way Width</u>	<u>Pavement Width</u>
Primary arterial	55 ft.	22 ft.
Secondary arterial	43 ft.	22 ft.

(c) All existing streets. Where subdivisions are adjacent to existing streets and right-of-way widths of those existing streets are less than the minimum right-of-way widths as set out in this chapter for all streets, the subdivider shall be required to dedicate on the plat one-half of the right-of-way width required adjacent to the land being platted to bring the existing streets to the right-of-way widths as set out in this chapter. No additional pavement shall be required on existing streets where the dedications are required.

(d) Additional right-of-way. Additional right-of-way beyond that specified by the major thoroughfare plan may be required for major thoroughfares and/or their intersections in order to meet State Department of Highways and Public Transportation requirements. The total right-of-way will generally not exceed one hundred twenty (120) feet.

Sec. 35-4114. Curbs

Curbs shall be required on both sides of all interior streets and on the subdivision side of all adjacent street.

Sec. 35-4115. Street names.

Names of new streets shall not duplicate, or cause confusion with the names of existing streets, unless the new street is a continuation of, or in alignment with, an existing street. All new street names shall be submitted to and approved by the United States Postal Service and shall be verified by city public service through their letter of certification.

Sec. 35-4116. Streetlights.

(a) Streetlights shall be provided in all subdivisions within the city. Streetlights shall be installed by city public service at all public street intersections with other public streets, crosswalks, at safety lane intersections

with public streets, at midblock or service areas, and at other locations as designated by the director of public works for adequate streetlighting of the subdivision.

(b) In subdivisions of a strictly rural nature consisting of very low density developments, the director of public works may lessen the number and/or location of street lights to conform with the reduced needs of the area.

(c) The subdivider shall contract with the city through the department of public works for payment of all costs associated with the engineering and installation of streetlighting. Such contracts must be executed prior to issuance of a letter of certification by the department of public works. Full payment for all costs must be made prior to the recordation of the plat.

(d) A copy of the current schedule of costs to the city of labor and materials associated with the engineering and installation of streetlighting shall be filed by the director of public works with the city clerk and be available for public inspection. New schedules shall be filed whenever there is an increase in costs.

Sec. 35-4117. Street name signs.

(a) within the city limits. Within the city limits, street name signs shall be installed at all intersections within and abutting the subdivision. Such signs shall be manufactured by the city department of public works. The city will erect the signs at no cost to the subdivider, but he shall pay the actual costs of all material and labor associated with the manufacture of the signs. Street name signs shall not be installed until the street has been accepted for maintenance by the city, unless approved by the director of public works in order to provide mail service.

(b) within the city's extraterritorial jurisdiction. Within the city's extraterritorial jurisdiction, street name signs shall be installed at all intersections within and abutting the subdivision. Such signs shall be manufactured by the city department of public works. The subdivider shall install the street name signs using the material furnished by the city and in accordance with city standards. The subdivider shall pay for the actual cost of all materials and labor associated with manufacture and installation of the signs. Street name signs shall not be installed until the director of public works has determined that the streets have been constructed in accordance with plans and specifications approved by the city, unless approved by the director of public works in order to provide mail service.

(c) Schedules of costs. A current schedule of costs to the city of labor and materials associated with manufacture of the signs shall be filed by the director of public works with the city clerk and be available for public inspection. New schedules shall be filed whenever there is an increase or decrease in such costs.

Sec. 35-4118. Street name changes.

Requests for street name changes within the city limits shall be submitted to the city clerk. An application processing fee as specified in Exhibit C shall be paid to the director of building inspections for each street name change request prior to consideration of the request by the city council. Additionally, an installation fee as specified in Exhibit C for each sign that needs to be changed

per each street intersection shall also be paid prior to the city council consideration. The installation fee shall be refunded if the request is not approved.

Sec. 35-4119. Street construction.

All streets shall be constructed, with respect to base, surfacing, curbs, and geometric design criteria in accordance with the standards and specifications described in Exhibit A, and shall be subject to inspection and approval by the director of public works.

Sec. 35-4120. Private streets.

(a) Private street standards shall be applicable to planned unit developments, planned residential developments, business parks, and mobile home parks.

(b) The design standards and construction specifications of private streets shall be the same as those provided for marginal access streets with the exceptions noted below. Typical sections of marginal access streets are included in Exhibit A.

- (1) The right-of-way of forty (40) feet including a parkway of thirteen and one-half (13.5) feet shall not be required.
- (2) The total paved movement area, exclusive of curb exposures, shall be a minimum of twenty-two (22) feet wide for residential streets and thirty (30) feet for nonresidential streets.
- (3) Curbs shall be optional provided provision is made for adequate drainage by means other than the traditional curb and gutter.
- (4) A reversed crown may be used to provide drainage down th center of the streets.

(c) Upon completion of construction of the private street(s), the director of public works shall be provided with written certification signed by a registered professional engineer certifying that the private street system was designed and installed as required by the provisions of this chapter.

(d) Private streets shall be owned and maintained by a corporation, community association, or other legal entity established for this purpose. The legal entity shall provide the city with written permission for access at any time without liability when on official business, and further to permit the city to remove at any time any and all obstructions of any type in the private street and assess the cost of removal to the owner(s) of the obstruction.

(e) Parking shall be prohibited on any private street less than thirty (30) feet in width and if utilized on streets thirty (30) feet wide or wider, it must be clearly distinguishable from the movement lanes.

Sec. 35-4121. Safety lanes.

(a) Safety lanes shall be required when the planning commission determines that adequate access for safety is not provided within or into the subdivision. The planning commission shall consider the recommendations of the fire chief and/or

police chief of the city in making their determinations. These additional safety lanes shall be delineated and designed as safety lanes on the appropriate plat(s) required by this chapter. The design standards and construction specifications of safety lanes shall be one of the following:

- (1) In accordance with the safety lane standards and specifications described in Exhibit A.
 - (2) An unpaved, all-weather surface and base with a minimum width of twenty (20) feet capable of supporting heavy vehicles, e.g., fire-fighting apparatus, and meeting with the approval of the director of public works.
- (b) All private safety lanes shall be owned and maintained by a corporation, community association, or other legal entity as established for this purpose. The legal entity shall provide the city with written permission for access at any time without liability when on official business, and further to permit the city to remove at any time any and all obstructions of any type in safety lane and to assess the costs of removal to the owner(s) of the obstruction.
- (c) The city shall not be liable for damage to underground utilities beneath designated safety lanes caused by heavy city vehicles.

Sec. 35-4122. Alleys.

(a) Alleys are not required unless used as the main vehicular access to commercial or residential lots or townhouse and apartment parking. However, where an alley is being provided by the subdivider or where the proposed subdivision abuts an existing alley which will be used as the main vehicular access to commercial or residential lots or townhouses and apartment parking, such alleys shall comply with the following criteria:

- (1) Width and paving. Alleys shall have a right-of-way of not less than twenty-four (24) feet. Alleys to single-family residential lots other than townhouses and small lot homes shall have a pavement width of not less than eighteen (18) feet but may be paved to the full twenty-four-foot width. Alleys to other lots including townhouses and small lot homes, shall have a pavement width of not less than twenty-four (24) feet and shall remain unfenced and open for all public utility lines, conduits and equipment. Such alleys shall be improved in conformance with the specifications set out in Exhibit A.
- (2) Grade. Alley grades shall conform to good engineering practices and shall be subject to the approval of the director of public works.
- (3) Dead-end alleys. Dead-end alleys shall not be permitted unless a turning radius is provided at the end of each alley. The turning radius shall be determined by the director of public works.
- (4) Construction. Alleys shall be constructed in accordance with the standards and specifications outlined in Exhibit A included at the end of this chapter; provided, however, the subdivider may, at his option, deposit with the city a sum equal to the then reasonable cost, as approved by the director of public works, of paving such alleys, which deposit shall constitute full compliance with the subdivider's

deposit shall constitute full compliance with the subdivider's obligation to pave such alleys. Where such deposit is made, the city shall thereafter pave such alleys at a time to be determined by the director of public works.

(b) Where two (2) alleys or utility easements intersect or turn at a right angle, a cutoff of not less than ten (10) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

(c) If the alleys are not straight within each block or if they do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

Subdivision B. Street Numbers

Sec. 35-4131. Numbering system.

The numbering of all structures fronting on public streets shall be in conformity with the following system:

(a) Commerce Street, with its continuations to the city limits, shall divide the city north and south and the San Antonio River shall divide the city east and west. Each street crossing the established east and west base line (Commerce Street) shall have the word "north" or "south" prefixed to its name proper, according as the line of such street shall be north or south of such established east and west base line. Each street crossing the established north and south base line (San Antonio River) shall have the word "east" and "west" prefixed to its name proper, according as the line of such street shall be east or west of such established north and south base line.

(b) The odd numbers shall apply to the north and west sides of the streets, and the even numbers to the south and east sides of the streets. The first block will be numbered from 100 up, the second block from 200 up, the third block from 300 up, and so on.

(c) Tracts of land longer than five hundred (500) feet that have not as yet been subdivided in blocks and streets will be allowed ten (10) numbers to approximately every two hundred fifty (250) feet.

Sec. 35-4132. Conflicting street numbers.

Any old number in conflict with the number given by the director of building inspections shall be removed and any person refusing or neglecting to remove the same shall be guilty of an offense.

Sec. 35-4133. Where and by whom street numbers to be affixed.

(a) To ensure uniformity and regularity in the numbering of structures, it shall be the responsibility of the owner of any structure fronting on a public street to place numbers on the structure in so conspicuous a manner that the number may be easily discernible from the opposite side of the street.

(b) If any structure shall be located too far back from the street for a number on its front to be easily seen and read from the opposite side of the street, or the front of the structure is hidden, or the view obstructed by trees, plants, shrubbery or other objects, then the number of such structure and premises shall be placed on a plank or post in a conspicuous part of the premises whereon the structure is located.

Sec. 35-4134. Size and specifications for street numbers.

(a) Each street number shall be of any durable material.

(b) All numbers painted on curbs or driveway approaches shall be black on a white rectangular background, or white on a black rectangular background, and of a durable and waterproof finish.

(c) The numbers on curbs shall be a minimum of three (3) inches in height, with the background at least one (1) inch higher than the digits, and extending at least one and one-half (1 1/2) inches beyond the digits on both ends. The width of the digits shall be in proportion to the height. A one (1) inch distance shall be maintained between figures.

(d) The rectangular background shall be no more than twenty (20) inches in length.

(e) The street numbers may be on the driveway approach or curb. If on the curbs, they shall be placed not more than two (2) feet from the driveway at the nearest point. If the lot has no front driveway, the numbers shall be centered on the lot.

Subdivision C. Sidewalks

Sec. 35-4141. Sidewalk requirement.

(a) 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 section 35-4142 below.

(b) For subdivisions outside the city limits, a performance agreement and a guarantee of performance for sidewalks as set out in division 5 of this article shall be required prior to plat recordation. The guarantee may be separate from any guarantee of performance for other improvements. For subdivisions inside the city limits, sidewalks shall be required as a condition of the building permit and no guarantee shall be required.

Sec. 35-4142. Sidewalk exceptions.

Sidewalks shall not be required when:

(a) When an alternative pedestrian circulation plan has been submitted to and accepted by the planning commission prior to or at the time of plat approval. The alternative pedestrian circulation plan shall show the location and arrangement of all-weather walkways. In considering the circulation plan, the commission shall assure that access to and along the walkway areas is safe, convenient, and provides pedestrians with adequate paths of movement;

(b) When the director of public works determines that the sidewalks will interfere with and/or disrupt drainage;

(c) When the director of public works determines that public construction which would require sidewalk replacement will take place on the street within three (3) years; or

(d) On local type "A" streets in residential subdivisions having a density of less than two and one-half (2.5) dwelling units per acre of single-family, duplex or townhouse residential lot development. Calculation of the density shall not include multi-family lots, commercial lots, or easements.

Sec. 35-4143. Sidewalk specifications.

(a) Sidewalks shall have a minimum unobstructed walk space width of thirty-six (36) inches on local type "A" streets and forty-eight (48) inches on all other streets. Sidewalks may be located anywhere in the parkway on local type "A" streets. On all other streets, the edge of the sidewalk on the lot side shall start no more than four (4) feet from the property line and may be widened to the curb or projected curb line.

(b) Sidewalks shall not be installed in such a manner that they conflict with or are obstructed by existing power lines, telephone poles, fire hydrants, traffic/street signs, mail boxes, trees, etc. When there is an existing or anticipated obstruction, the sidewalk shall be installed around the object and shall provide the full sidewalk width. When utility layouts are required as part of a plat, the location and extent of sidewalks within the subdivision shall be

shown on the utility layout and shall be subject to the approval of the directors of public works, city public service, city water board, and/or other approved water districts or agencies involved with providing utility services. No changes to the utility layout shall be allowed without the approval of all utility agencies which approved the original utility layout.

(c) Pedestrian double rails shall be required on both sides of all sidewalk drain crossings except when the sidewalk is at curbside.

(d) The grades of sidewalks shall be so established that extreme or abrupt changes are not encountered within blocks.

(e) Sidewalks shall be constructed so as to provide for the safe and orderly transition and alignment of adjoining sidewalks.

Sec. 35-4144. Building permit requirements.

The construction of standard curbs and sidewalks shall be a condition of the granting of a building permit in each of the following situations:

(a) For a new building, other than a single family residence, when curbing is in place or curb lines are established.

(b) For the repair or improvement of an existing building, other than a single family residence, when curbing is in place or curb lines established and the cost of the repair or improvement amounts to twenty-five (25) percent of the assessed evaluation of the building as set forth by the city tax rolls.

(c) For a new or an additional driveway approach, for other than a single family residence.

(d) For premises used as motor vehicle service stations or parking lots where a six (6) inch raised curb or other approved traffic barrier along the property line of the entire street frontage shall also be required except at the driveway approaches and access walks.

Sec. 35-4151. wheelchair ramps.

(a) Wheelchair ramps shall be constructed at the entrance to all crosswalks where sidewalks exist or where required as part of these regulations. A waiver of sidewalk requirements does not waive the wheelchair requirement.

(b) Where sidewalks or curb exist, wheelchair ramps shall be added at locations specified in (a) above, wherever any work is proposed to existing driveways, curb, or sidewalks. Also, wheelchair ramps shall be added wherever missing sidewalks or curb segments are added in front of any lot or block of a subdivision.

(c) Wheelchair ramps shall conform to the design and construction standards in Exhibit A.

(d) Any deviation from the design and location of the ramps as specified in Exhibit A must be approved by the director of public works.

Division 5. Specifications and procedure for plats

Subdivision A. Plat specifications.

Sec. 35-4201. Plat size.

(a) Plats shall be drawn in India ink on linen tracing cloth on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch.

(b) Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

Sec. 35-4202. Plat contents.

The plat shall show the following: -

(a) The plat number issued by the department of planning in the upper right corner.

(b) The name of the subdivider and the name of the record owner of the land involved.

(c) The primary control points, approved by the director of public works, or descriptions and ties to such control points, to which all dimensions, angles, bearings, new city block number or county block number, and similar data on the plat shall be referred; and two (2) points on the perimeter of the subdivision, identified by coordinates that relate to the state plane coordinate system.

(d) The tract boundary lines, the exact location and width of all existing or recorded streets, easements, and other rights-of-way intersecting the boundary or streets, easements, and other rights-of-way forming the boundary of the tract being subdivided, and property lines of residential lots and other sites with accurate dimensions, bearing or deflecting angles and radii, area, and central angles of all curves.

(e) The scale, north arrow and date.

(f) Final contour data to show drainage of the site of the proposed subdivision. If the average grade of the site is five (5) percent or less, the maximum contour interval to be used shall be two (2) feet. If the average grade exceeds five (5) percent, the maximum contour interval may be increased to five (5) feet.

(g) The name and width of each public and private street or other right-of-way in or adjacent to the subdivision. The right-of-way width on all streets and safety lanes shall be displayed by an overall dimension. The dimensions of the division of the right-of-way on public streets between the center line of the right-of-way and respective adjacent property line shall be shown. Also, private streets and safety lanes shall be designated as such.

(h) The name of the subdivision and the legal description of the property.

(i) Location, dimensions, and purpose of any easement or reservation and location of any high pressure oil, gas, or gasoline lines. Easements which are designated to be converted into public street right-of-way on a subsequent plat shall be annotated with the following note:

"Easement to expire upon incorporation into platted public street right-of-way."

(j) A number to identify each lot or site.

(k) Front building setback lines on all lots and other sites and side yard setback lines at street intersections and cross-walkways. Unless the subdivider elects to impose greater setbacks than required by Article III of this Chapter the plat shall be annotated with the following note:

"The setback lines reflected on this plat represent the zoning requirements in effect at the time of platting. Any future rezoning shall supersede these setback lines except for those adjacent to overhead utility lines and high pressure oil and gas lines."

(l) The city limits line and the extraterritorial jurisdiction line if it traverses the subdivision.

(m) The location map indicating the location of the plat in relation to adjacent streets and at least two (2) major thoroughfares in the vicinity.

(n) A surveyor's certificate as follows:

STATE OF TEXAS
COUNTY OF BEXAR

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made on the ground under my supervision.

Registered Public Surveyor

(o) Engineer's certificate. An engineer's certificate is required in all cases except when the plat does not require engineering considerations.

STATE OF TEXAS
COUNTY OF BEXAR

I hereby certify that proper engineering consideration has been given this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the subdivision ordinance, except for those variances granted by the planning commission of the city.

Registered Professional Engineer

Sworn to and subscribed before me this the _____ day of _____, 19__.

Notary Public,
Bexar County, Texas

(p) The owner's acknowledgment. If the owner authorizes an agent, he shall file a notarized letter to that effect.

STATE OF TEXAS
COUNTY OF BEXAR

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner

Duly Authorized Agent

STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 19__.

Notary Public,
Bexar County, Texas

(q) Approval of the planning commission of the city as follows:

This plat of _____ has been submitted to and considered by the planning commission of the City of San Antonio, Texas, and is hereby approved by such commission.

Dated this _____ day of _____, A.D., 19 ____.

BY: _____
Chairman

BY: _____
Secretary

(r) The county clerk's certificate of authentication as follows:

STATE OF TEXAS

COUNTY OF _____

I, _____, county clerk of said county, do hereby certify that this plat was filed for record in my office, on the _____ day of _____ A.D. _____ at _____ and duly recorded the _____ day of _____ A.D. _____ at _____ in the records of _____ of said county, in book volume _____ on page _____ in testimony whereof, witness my hand and official seal of office, this _____ day of _____ A.D.

County Clerk, _____
County, Texas

BY: _____
Deputy

Subdivision B. Procedure.

Sec. 35-4210. Application.

Prior to submitting a plat, replat, or amending plat for review by the city of any other certifying agency, an applicant shall complete a plat application form to obtain a plat number. At the time the plat application is submitted to the department of planning, the applicant shall pay to the City of San Antonio the platting fees specified in Section 35-C201(a) of Exhibit C. The platting fees are not transferable to other properties nor are they refundable. However, if the platting fees collected are in excess of the amount required at the time of plat filing, the excess amount shall be returned to the applicant. If the plat is not formally filed with the Planning Commission within two (2) years from the date of the plat application, new platting fees shall be required.

Sec. 35-4211. Filing.

(a) Requirements. An applicant seeking approval of a subdivision plat, replat, or amending plat shall file the following with the planning commission:

- (1) Thirty-one (31) blue- or black-line copies of the plat, the specifications for which are set out in section 35-4201, together with one (1) eight and one-half by eleven (8 1/2 x 11) inches reduced copy on vellum or similar quality material and the original and one (1) reproducible matte film of the plat.
- (2) A performance agreement, if one (1) is required by section 35-4221.
- (3) The tax certificates and letters of certification required by section 35-4212.

(b) Fees. At the time the plat is filed, the applicant shall pay to the City of San Antonio any adjustments to the platting fees as well as any other required fees specified in Exhibit C.

Sec. 35-4212. Letters and documents of certification.

The applicant for plat approval shall simultaneously with the filing of the subdivision plat submit the following:

(a) Tax certificates. A certificate from the city tax assessor-collector and from the property official of other taxing agencies within whose jurisdiction the proposed subdivision lies attesting to the effect that all ad valorem taxes have been paid on the land included within the subdivision.

(b) Certificates concerning utilities.

- (1) City water board. A letter of certification from the city waterworks' board of trustees and in addition, if applicable, other approved water purveyors, stating that the board has received and approved the proposed utilities layout and that adequate service is available to the subdivision or stating that the board has disapproved the proposed utilities layout.

- (2) City public service. A letter of certification from city public service shall be furnished for subdivisions within the city public service gas and electric service areas. Where subdivisions, or portions of subdivisions, will be served by gas or electric companies other than city public service, letters of certification will come from the companies serving. The letter will certify that adequate service is available and that proposed subdivision plats and utilities layouts have been approved or disapproved.

(c) Certificates of city departments. Letters of certification from the department of public works, department of environmental management, and the fire department stating that the departments have received and approved or disapproved the applicable data required by section 35-4213.

Sec. 35-4213. Data required for letters of certification.

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

(a) To the fire department: One (1) copy of the utilities layout showing proposed locations of utilities, streetlights, fire hydrants, and sidewalks.

(b) To the director of public works:

- (1) Streets, alleys, sidewalks, crosswalks and drainage structures. Three (3) copies of plans and profiles as specified by Exhibit A to these regulations. Also, if a proposed plat traverses or is contiguous with a state maintained facility, a permit from the state department of highways and public transportation indicating approval of the proposed access point and right-of-way.

(2) Storm drainage.

- a. Two (2) copies of the proposed plat showing two-foot contours in areas where the slope does not exceed five (5) percent and five-foot contours in areas where the slope exceeds five (5) percent. All street widths and grades shall be indicated on the plat, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers and at all points in the street at changes of grade or where the street enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
- b. A general location map of the subdivision showing the entire watershed. (A USGS quadrangle is satisfactory.)
- c. Calculations showing the anticipated storm water flow including watershed area, percent runoff and time of concentration.

- d. When a drainage channel, storm sewer or other drainage facility or other requirements are necessary, complete plans and specifications shall be submitted showing complete construction detail, including calculations showing basis for design in accordance with Exhibit A.
 - e. When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on a twenty-five (25) year frequency shall be indicated based on existing conditions.
- (3) Utilities layout. Four (4) copies of the utilities layout showing proposed locations of utilities, streetlights, fire hydrants, neighborhood delivery and collection box units, and sidewalks shall be submitted.
 - (4) Cost estimates. Three (3) copies of detailed cost estimates of all required improvements within the subdivision other than water, gas and electric lines.
- (c) To the director of environmental management:
- (1) Sanitary sewer systems.
 - (a) Two (2) copies of the proposed plat showing two-foot contours on sites where the average grade does not exceed five (5) percent, and five-foot contours on sites where the average grade exceeds five (5) percent, and the proposed location of all sewer lines.
 - (b) Two (2) copies of plans and profiles of the proposed sewer lines showing depths and grades of the lines in accordance with Exhibit A, and overall layout map, construction details, and other data as required by division 6, subdivision B of this article.
 - (c) When a separate sewer system is proposed or when connection of a separate system is proposed to a sewer system other than the system of the city, two (2) copies of plans and specifications bearing approval certification of the state department of health accompanied with a written approval by that state agency.
 - (d) When a separate sewage treatment facility is proposed other than a facility of the city or a modification of a treatment facility other than the city is required by agencies having jurisdiction, a copy of the discharge permit from each agency authorized to require and issue such permit.
 - (e) When a separate sewer system is proposed or when service is to be provided by a system other than the system of the city, a written statement from the owner and operator of the system certifying the owner's operational status, approving the proposed system or service, and certifying that operations and maintenance of the system will be in compliance with requirements of all regulatory agencies having jurisdiction.

- (f) When a sewer system is proposed within the recharge zone of the Edwards Aquifer within the city or its extraterritorial jurisdiction, written approval or approvals as required by the appropriate state agency having review and enforcement authority jurisdiction regarding the Texas Administrative Code, 31 TAC 331.1 - 331.11 or the latest revision thereof regulating such systems.
 - (g) When sewer service for the proposed plat is to be provided by septic tanks, written approval by the appropriate public agency having installation permit and operation control jurisdiction. Such written approval shall state that approval for septic tank systems for each proposed property is granted and installation permits will be issued upon request after plat recordation.
- (2) Landfills. If the proposed plat is located over a landfill site, the following additional information shall be submitted.
- a. Two (2) copies of the proposed plat showing two-foot contours in areas where the slope does not exceed five (5) percent and five-foot contours in areas where the slope exceeds five (5) percent, and delineating the limits of the landfill.
 - b. A narrative report prepared by a registered professional engineer which includes the following items:
 - 1. The name, address, and phone number of the property owner.
 - 2. Description of the nature and size of the proposed development, including projected population.
 - 3. The percent of impervious cover after development and certification site will have a positive surface drainage.
 - 4. History and age of the landfill.
 - 5. Site geology, including estimates of past and future ground settlement.
 - 6. Description and depth of refuse fill.
 - 7. Description of planned excavations, penetration of any landfill liner, and ultimate disposal site for excavated refuse.
 - 8. Depth and movement of shallow ground water.
 - c. A soil gas survey for methane.
 - d. A slope stability analysis for all landfill embankments.
- (d) To the city water board:
- (1) Utilities layout. Two (2) copies of the utilities layout showing proposed locations of utilities, streetlights, fire hydrants, neighborhood delivery and collection box units, and sidewalks shall be submitted.
 - (2) Cost estimates. Two (2) copies of detailed cost estimates of all required water system improvements, including private water wells if applicable.

- (3) Water wells. Evidence that all substandard or abandoned water wells located on the property have been properly plugged or a performance bond providing for such plugging to be posted with the city water board.
- (4) Separate water system. When a separate water system is planned or when connection is proposed to a water system other than the city waterworks' board of trustees or the Bexar Metropolitan Water District, two (2) copies of the plans of the water system as approved by the state health department shall be submitted.
- (5) Water supply and distribution systems plans. Plans and specifications for water supply and distribution systems for approval by the waterworks' board of trustees.

(e) To city public service:

- (1) Gas and electric service. A copy of proposed plat showing gas and electric easements to be dedicated and a copy of the proposed utilities layout showing locations of utilities, streetlights, fire hydrants, neighborhood delivery and collection box units, and sidewalks. Where a subdivision or a portion of a subdivision will be served by gas or electric companies other than city public service, CPS will forward such submittal to the appropriate company.
- (2) Street names. A copy of the proposed plat showing the names of all public and private streets.

Sec. 35-4214. Procedure for securing letters of certification.

(a) The data shall be submitted as required by section 35-4213 and shall be reviewed by the appropriate agency within sixty (60) days. When a certifying department or agency determines that the proposed plat or any required accompanying data does not conform to the requirements of this article, the agency shall so notify the applicant for plat approval. The applicant may at his option revise any nonconforming aspects. However, if any data are submitted by the applicant or his authorized agent after forty-five (45) days from the date of initial submission, the agency may at its option extend the review period for a maximum of an additional sixty (60) days. No later than sixty (60) days from the latest date of submission, the appropriate official shall issue a letter of certification giving approval or indicating the section and specific requirement of the subdivision regulations, and the respect in which the proposed plat does not comply. If disapproval is recommended, the plat may at the request of the applicant be filed with the commission accompanied by a letter requesting a variance as specified in division 1 of this article.

(b) Letters of certification shall remain valid for a period not to exceed six (6) months from the date of issuance.

Sec. 35-4215. Filing date.

For the purpose of the time limits established by Vernon's Local Government Code, Sec. 212.009, no plat shall be deemed filed with the planning commission until a plat, performance agreement as applicable, tax certificates, letters of certification and, if applicable, a request for a variance have been submitted to the planning commission as required by section 35-4211.

Sec. 35-4216. Action by the planning commission.

(a) Within thirty (30) days of the filing date, the planning commission shall take action on the proposed plat. If the planning commission finds that modifications to the plat are necessary in order to comply with requirements, the planning commission may postpone such action. However, the planning commission shall act upon the plat within thirty (30) days of the filing date.

(b) Once filed with the planning commission, a plat may be withdrawn provided that a written request of withdrawal and the reasons upon which the request is being made are submitted to the planning commission within thirty (30) days of the filing date. Upon request of withdrawal, the planning commission will act on the notice of withdrawal. Upon consideration of the withdrawal request, the planning commission shall cause the notice of withdrawal and action taken to be entered in the official minutes of the meeting of the planning commission at which notice was given. The thirty (30) day time limitation shall cease on the date that the notice is given to the planning commission.

Sec. 35-4221. Performance agreement.

(a) Instrument. When site improvements other than gas and electric lines are involved in a plat, an instrument to ensure construction of all site improvements required by these regulations shall be executed by the subdivider and filed with the planning commission together with the plat. Such instrument shall be in substantially the same form as the instrument set out in Exhibit B.

(b) Time extensions. No extension to the time limitations set out in such instrument shall be granted by the planning commission unless and until the applicant shall have justified such request for extension in writing. The request for time extension must be submitted to the director of planning at least thirty (30) days prior to the time limit set out in the performance agreement. If the commission finds that development constraints (excluding pecuniary hardship) justify such a request, a time extension may be granted by the commission.

- (1) Sidewalk improvements. A time extension up to a maximum of three (3) years for completion of sidewalks may be granted by the commission if a sidewalk plan indicating the uncompleted sidewalks and a time schedule for sidewalk completion is submitted. The sidewalk plan will be submitted for commission review and approval with the request.
- (2) All other site improvements. A maximum one (1) year time extension for completion of site improvements other than sidewalks may be granted by the commission if the applicant shows as evidence of good faith performance that the required site improvements are at least seventy-five (75) percent completed at the time of request.

(c) Guarantee. A guarantee, in an amount sufficient to cover the cost of the remaining site improvements, shall be required if necessary, in order for such extension to be granted. Such guarantee must be filed within thirty (30) days of the granting of the extension or the extension shall become null and void. Should the granting of such extension require the filing of any instruments, such as those set out in Exhibit B, the fees for recording such instruments shall be paid by the subdivider to the director of planning.

(d) Filing fee. Each request for a time extension shall be accompanied by a filing fee as specified in Exhibit C and the commission will not consider such a request until payment has been made.

Sec. 35-4222. Recordation.

(a) Within a period of three (3) years after the plat has been approved, and if the subdivider has constructed and has had accepted by the director of public works all the required improvements and the sewer fee has been paid, the director of planning shall cause such plat to be filed in the deed and plat records of the county within which the subdivision is located. At the time the plat is filed with the planning commission, the subdivider shall deposit a recordation fee covering the cost of recording the plat with the director of planning. Such fee shall be in the form of a check made payable to the city. No plat shall be filed for record, however, without the written consent of the subdivider.

(b) Within the period of three (3) years after the plat has been approved, if the site improvements have not been completed, but a suitable security as described in section 35-4223 has been filed with the city, and the sewer fee has been paid, the director of planning shall cause such plat to be filed in the deed and plat records of the county within which the plat is located, and shall cause to be filed at the same time, a copy of the performance agreement described in section 35-4221. Upon completion of the required site improvements and the acceptance of such improvements by the director of public works, an instrument releasing the subdivider from the requirements of the performance agreement shall be filed by the director of planning in the deed and plat records of the county within which the subdivision is located. Such release shall be in substantially the same form as the release set out in Exhibit B. At the time the security referred to above is filed with the city, the subdivider shall deposit with the director of planning an amount of money required to pay the fees for recording the performance agreement and the release instrument. Such amount shall be in the form of a check made payable to the city. No plat shall be filed for record, however, without the written consent of the subdivider.

(c) In any event, if a plat has not been recorded in one (1) of the manners described above, approval of such plat shall expire. Thereafter, should the subdivider desire to record the plat, it shall be resubmitted in the same manner as for a previously unsubmitted plat.

Sec. 35-4223. Guarantee of performance.

(a) As is provided for in section 35-4222, an approved plat may be filed for record before the required site improvements are completed if one (1) of the following guarantees of performance is filed with the city clerk within three (3) years after the plat has been approved by the planning commission:

(1) Performance bond:

- a. A performance bond will be executed by a surety company license to do business in the state in an amount equal to the cost estimate, as approved by the director of public works, of all uncompleted and unaccepted improvements required by these regulations (other than gas and electric lines), with the condition that the subdivider shall complete such improvements and have them accepted by the director of public works within three (3) years from the date of plat approval.
- b. A performance bond shall be substantially in the same form as the bond instrument set out in Exhibit B. The director of public works is authorized to sign the bond instrument on behalf of the city and the city attorney shall approve the same as to form.

(2) Trust agreement. The subdivider shall cause to be placed in a trust account on deposit in a bank or trust company or with a qualified escrow agent selected by the subdivider and approved by the director of public works a sum of money equal to the cost estimate, as approved by the director of public works, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The trust account shall be established by agreement which shall be substantially in the same form as the trust agreement set out in Exhibit B. The director of public works is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(3) Letter of credit. The subdivider shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the director of public works, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The letter of credit, properly executed, shall be substantially in the same form as the letter of credit set out in Exhibit B. The director of public works is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(4) Cash or cashier's check. The subdivider shall provide to the city cash or a cashier's check in an amount equal to the cost estimate as approved by the director of public works, of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the director of public works, the amount will be refunded to the subdivider by the city.

(b) When a subdivider has given security in any of the forms hereinabove provided, and when fifty (50) percent of the required site improvements has been completed and has been accepted by the director of public works, or whenever any segment or segments of the required site improvements have been completed and have been accepted by the director of public works, the subdivider may substitute for the original guarantee, a new guarantee in an amount equal to the cost of the remaining site improvements. The cost estimate shall be approved by the director

of public works. Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed in subsection (a). However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the subdivider as specified in the performance agreement.

(c) Supplementary guarantees may be required as follows:

- (1) One (1) year from the date of plat recordation, and annually thereafter until the expiration of the three (3) year period from the date of plat approval, the director of public works shall review the estimated cost of completing such site improvements as are not then completed and determine the adequacy of the existing performance guarantee. Should the director determine that the sum set out in the performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require a substitute guarantee to cover the newly estimated cost or a supplemental guarantee to cover the additional sum needed for completion.
- (2) If a subdivider submits an original performance guarantee after a period of two (2) years has elapsed from the date on which a plat was approved by the planning commission, the actual cost estimate of completing the uncompleted site improvements shall be increased by an amount, based upon a locally recognized construction cost index as approved by the director of public works, required to cover an estimated inflationary increase in the cost during the duration of the period covered by the performance guarantee.
- (3) Should the subdivider fail to provide the necessary additional or substitute guarantee within thirty (30) days of a request for same by the director of public works, the director of public works shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision subsequently filed with the planning commission in which such subdivider has a principal or subsidiary interest.

Sec. 35-4224. Liability of subdivider.

(a) A subdivider shall be held liable to the city for the completion of all site improvements required by these regulations until such time as the improvements shall have been actually completed and accepted by the city.

(b) If the construction of site improvements has been guaranteed by a form of security described in section 35-4223 and such improvements have not been completed and accepted by the city within the time period prescribed by these regulations, the director of public works, after written notification has been given to the subdivider, shall take such action as may be required to cause payment to be made to the city of the amounts of money secured by a guarantee of performance. Such amounts of money shall be used by the director of public works to finance the completion of the required improvements.

(c) In the event that the amounts of money referred to above are insufficient to finance the completion of the required improvements, the director of public works shall so notify the subdivider in writing and shall require the subdivider either to complete the improvements without delay or to make available to the city the amount of money required to finance their completion. Should the subdivider fail to do either of the above and such failure is not due to strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond the subdivider's control, the director of public works shall refer the matter to the city attorney for such action as the city attorney may deem appropriate to compel the subdivider to comply with the provisions of the performance agreement entered into by the subdivider as a condition precedent to the approval of the plat by the planning commission, or to pursue any other remedy which may be available to the city. Further, until such time as the required site improvements have been completed and accepted by the city, the director of public works shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision, subsequently filed with the planning commission, in which such subdivider has a principal or subsidiary interest. Such a plat, once it has been approved by the planning commission, may be recorded only in the manner prescribed in section 35-4222(a).

(d) The provisions of this section shall not apply if a subdivider is prevented from completing and having accepted such required site improvements within the prescribed time by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other cause similar to those enumerated beyond the subdivider's reasonable control. The subdivider shall be entitled to an extension of time equal to the time of such delay which shall be fixed by written certificate made by the director of public works. It is expressly declared that no such allowance of time will be made unless claimed by the subdivider and allowed and certified in writing by the director of public works at the end of each period of such delay.

Sec. 35-4231. Vacating a plat.

(a) The force and effect of a recorded plat may be destroyed by properly executing and recording an instrument declaring such plat to be vacated. The instrument, which shall be substantially in the same form as the vacating declaration (form "G") set out in Exhibit B to these regulations, shall be filed with the planning commission together with one blue- or black-line copy of the plat to be vacated, measuring eighteen by twenty-four (18 x 24) inches and one (1) eight and one-half by eleven (8 1/2 x 11) inches reduced copy on vellum or similar quality material which is reproducible and legible. Each copy must identify the area being vacated by highlighting the subject area. Following approval by the commission, the declaration shall be recorded in the plat and deed records of the county in which the plat to be vacated is recorded.

(b) Upon filing the vacating declaration, a filing fee as specified in Exhibit C shall be paid to the City of San Antonio in addition to the required recordation fee.

(c) The resubdivision of the land covered by a plat that is vacated shall be platted in the same manner as is prescribed by this chapter for an original plat. In addition a copy of the vacating declaration (form "G") shall be submitted with the resubdivision plat and the resubdivision plat shall be annotated generally as follows:

The area being resubdivided in this plat had been previously platted on plat no. _____, known as _____ subdivision which is recorded in volume _____, page _____, County Plat and Deed Records, and was vacated through a vacating declaration being recorded on the same date as this resubdivision plat.

(d) If the subdivider so desires, the vacating declaration and the resubdivision plat may be filed and processed simultaneously.

Sec. 35-4232. Replating without vacating a previous plat.

(a) A subdivision, or a portion thereof, may be replatted without vacating the immediately previous plat of such subdivision under the conditions listed below; however, any subdivision platted prior to the effective date of Vernon's Local Government Code, Chapter 212, June 14, 1927, shall not be considered a plat under that chapter for replatting purposes.

- (1) The procedures and specifications pertaining to plats contained in sections 35-4201 through 35-4224 shall also apply to a replat.
- (2) The replat shall be signed and acknowledged by the owners of the particular properties being replatted.
- (3) The replat shall not attempt to alter, amend or remove any covenants or restrictions.
- (4) The replat must be approved by the planning commission after a public hearing in relation thereto at which interested parties and citizens shall have had an opportunity to be heard.

(b) If any of the area to be replatted was, within a five-year period immediately preceding the date on which the replat is filed with the planning commission, limited by an interim or permanent zoning classification to not more than two (2) dwelling units per lot, or if any lot on the immediately previous plat was limited by deed restriction to residential use involving not more than two (2) dwelling units per lot, the following procedures shall be followed before the approval of the planning commission can be given:

- (1) The subdivider shall provide to the director of planning written notice of intention to file with the planning commission a replat to which the conditions stated above apply. The notice shall be accompanied by a list of names and addresses of the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediately preceding subdivision plat. If the immediately preceding subdivision

plat contains more than one hundred (100) lots, the list shall contain the names and addresses of those owners within the preceding plat whose lots lie within five hundred (500) feet of the lot or lots which are intended to be replatted. The list shall be signed by the subdivider, notarized, and dated.

- (2) The director of planning with the approval of the chairman of the planning commission shall set a date for a public hearing in relation to the proposed replat and shall cause a notice of such public hearing to be published at least fifteen (15) days in advance of the hearing in an official paper or a paper of general circulation in the county.
- (3) Additionally, the director of planning shall provide notice of the public hearing to the owners of lots contained on the list submitted by the subdivider by depositing such notice properly addressed and postage paid in a post office or postal depository within the city limits not less than fifteen (15) days prior to the scheduled date of the public hearing. A copy of Vernon's Local Government Code, Sec. 212.015(c), shall be included with the notice.
- (4) If twenty (20) percent or more of the owners to whom notice is required to be given shall have submitted written protest of the proposed replat to the planning commission prior to or at the public hearing referred to in the notice, the planning commission shall not approve the proposed replat unless and until it shall have received the written approval of at least sixty-six and two-thirds ($66 \frac{2}{3}$) percent of the owners of all lots to whom notice is required to be given.
- (5) In computing the percentages of ownership referred to herein, each lot in the subdivision shall be considered equal to all other lots, regardless of size and number of owners, and the owners of each lot shall be entitled to cast only one (1) vote per lot.
- (6) The proposed replat may not be filed with the planning commission prior to the date on which the commission makes a finding of fact of the results of the public hearing required in subsection (b)(2) above.
- (7) Additionally, the replat will be annotated by a certificate, substantially the same as form "I" set out in Exhibit B of this chapter.
- (8) In addition, the replat shall be annotated generally as follows:

The area being replatted had been previously platted on a plat _____ (name and number) _____ which is recorded in volume _____, page _____, County Plat and Deed Records. Further, the Planning Commission at its meeting of _____ (date) _____ held a public hearing which involved notification on the proposed replatting of this property.

- (6) To correct any other type of scrivener or clerical error or omission as previously approved by the planning commission; such errors and omissions may include, but not be limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or
- (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join the application for the plat amendments provided that such amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots.

(b) Unrecorded plats. A plat that has been approved by the planning commission but not recorded in the office of the county clerk may be amended for the purposes permitted for a recorded plat. In addition, an unrecorded plat may be amended to add, delete, or relocate an easement unless a certifying department/agency, upon initial review of the plat, determines that the proposed amendment will require further review and requests in writing to the director of planning that a new plat be submitted.

(c) A subdivider wishing to amend an approved plat shall file with the planning department the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The director of planning will determine the extent to which the amending plat will require review by the various departments and agencies of the city.

(d) If the plat being amended has not been recorded, the amending plat may be approved by the director of planning. Upon approval by the director of planning, the amending plat shall be attached to the plat being amended.

(e) If the plat being amended has been recorded, the amending plat shall be submitted to the planning commission for consideration and approval. The amending plat will be clearly marked "Amending plat of (plat number and name). This plat amends the plat previously recorded in the plat and deed records of _____ County, Volume _____, Page _____." The amending plat shall then be recorded.

(f) Platting fees as required by Sec. 35-4210 shall be paid to the City of San Antonio at the time an application is completed with the planning department. If the plat being amended has been recorded, the additional necessary recordation fee shall also be deposited with the city at the time of plat filing.

Division 6. Utilities

Subdivision A. Water

Sec. 35-4251. Water supply and distribution.

(a) All subdivisions within the city and its extraterritorial jurisdiction shall be provided with water supply and distribution systems approved by the state department of health and the city water board except under those conditions described in Sec. 35-4253. Water, supply and distribution systems shall be installed in accordance with the most recent copy of "Regulations for Water Service" adopted by the city waterworks board of trustees.

(b) The regulations for water service, system extension, and service line installation adopted by the waterworks board of trustees on November 20, 1984, and the criteria for water supply and distribution in the city and its extraterritorial jurisdiction adopted by the waterworks board of trustees on January 14, 1975 are hereby adopted as a part of the city planning area subdivision regulations and are on file in the office of the city clerk.

Sec. 35-4252. Approval of plans and specifications.

Plans, specifications, and utility layouts for water supply and distribution shall be submitted to the city water board for approval. No plat shall be approved by the planning commission without prior approval by the city water board of the utility layout or proposed utility service extension and the posting of a bond by the subdivider described in Sec. 35-4221 for construction of water supply and distribution improvements in conformance with the criteria mentioned in Sec. 35-4251 and other applicable sections of the City Code. No water supply and distribution improvements shall be constructed by the subdivider until the plat has been approved by the planning commission and the plans and specifications have been approved by the city water board. Construction of such improvements shall be subject to inspection by the city water board to ensure compliance with and adherence to the approved plans and specifications.

Sec. 35-4253. Exception of certain subdivisions.

A water supply and distribution system is not required for subdivisions which meet all of the following conditions:

- (a) The subdivision is located outside the city limits within its extraterritorial jurisdiction.
- (b) The subdivision is located outside the area included within the current City Water Board's master plan for water works improvements.
- (c) Each lot has a minimum size of two (2) acres.
- (d) A potable ground water supply which meets the Texas Department of Health's drinking water standards underlies each lot and such water is available in sufficient quantity to furnish the domestic water needs of the improvements to be constructed on the individual lots within the subdivision.

(e) The plat of the subdivision is annotated with the following note:

I hereby certify to the best of my knowledge that at the time of planning commission approval, a potable ground water supply which meets the current standards as established by the Texas Department of Health for drinking water underlies each lot and such water is of sufficient quantity to supply the domestic needs of the improvements to be constructed on the individual lots within the subdivision. Each individual property owner is responsible for the construction of an individual water well that is in compliance with the rules and regulations of the Texas Department of Health.

Registered Professional Engineer

Sworn and subscribed before me this the _____ day of _____
A.D. 19____.

Notary Public
Bexar County, Texas

subdivision platted by the developer. Where property to which sewer service was extended under policies existing prior to July 6, 1970, is replatted, such replatting shall not be governed by the provisions of this subsection and no additional payment hereunder shall be required of the developer.

(e) Effect of annexation on fees. Notwithstanding any other provisions of this section to the contrary, where a developer has made a deposit for sewer service to either lots or acreage outside city limits pursuant to this section, and developer's property is thereafter annexed to the city of San Antonio within three (3) years of the date of plat approval, such developer shall be reimbursed at time of annexation as specified in Exhibit C.

(f) Request for annexation by developer customer. If a developer customer requests annexation at the time of plat approval, he may pay the amount of the in-city-limits fee and guarantee the amount of the difference from the out-of-city limits fee by depositing with the director: cash, a certificate of deposit pursuant to section 1-16 of this Code, or a bond issued by a surety company authorized to do business in the state in such amount. If annexation is completed within one hundred twenty (120) days of plat approval, the deposit shall be returned or released by the director; otherwise the full amount prescribed by this section shall be paid.

Sec. 35-4270. Conditions precedent to the right of refund.

In no case shall a developer be entitled to any refund unless he has complied with all provisions of this article, and unless prior to the construction and installation of the sewer line as to which refund is sought, the director of environmental management has certified in writing to the city manager and the director of finance his approval of the proposed sewer line and has further certified in writing that it would be to the best interests of the city that the developer receive the refunds contemplated by this section.

Sec. 35-4271. Mains to be city property.

The city shall accept all completed sewer mains, constructed or installed pursuant to the provisions of this article when inspected and approved by the city. A reproducible plans of record and the engineer's itemized final statement of "as-built" quantities and costs shall be submitted to the environmental management department prior to the city's acceptance. The mains will become the property of the city, free and clear of all encumbrances. Each and every contract between a developer and a contractor for the installation of sewer mains under this article shall recite therein the provisions of this section.

Sec. 35-4272. Where mains may be laid.

No sewer main shall be installed or constructed except within a public street or alley, or within an easement or right-of-way granted to the city by appropriate written instrument filed for record with the county clerk at the expense of the person requesting the extension of existing mains.

Sec. 35-4273. Public property requirement.

where due to any of the provisions of section 35-4268 it is necessary to provide a treatment plant or lift station as a part of the sewer service to a

developer shall provide approved all-weather access facilities, power supply, and an approved storage reservoir for such lift station at developer's cost, save and except that materials for the storage reservoir shall be provided by the city.

(f) When a treatment plant is necessary to serve a development or any part thereof, the developer is to provide, at no cost to the city, approved all-weather access facilities, power supply and storage reservoir to be used in conjunction with the treatment plant. Additionally, when the city in its permit requirement is required to provide treatment greater than secondary, or is required to pipe the effluent beyond the discharge point of the plant location, the developer shall reimburse the city for all costs connected with such additional treatment costs or pipe extensions. Such costs shall be paid prior to the city's approval of any connection to the plant.

Sec. 35-4269. Fees payable by developer customers.

Fees payable by developer customers shall be determined as follows:

(a) Fees generally. Any developer platting a subdivision, planned unit development, or a planned residential development shall pay a sewer fee as specified in Exhibit C prior to plat recordation.

(b) Engineering fee. If a developer desires that the city proceed with engineering plans for construction of off-site mains, sewage treatment plant or lift station plans prior to plat approval, he shall deposit with the city a fee equal to the engineering fee for preliminary and design phases for the off-site system required as determined by the city. This fee shall be applied as a credit toward the final fee due as outlined in subsection (a) above. If the developer desires that the city proceed with construction of the sewerage facilities prior to plat approval, he shall deposit the entire fee due the city as outlined in subsection (a) above.

(c) Minimum fees. To qualify for extension of sewer facilities to a developer's land under this policy, the developer must develop a minimum of two hundred (200) single-family residential lots or forty (40) acres of lot area other than single-family residential lots; provided, however, that a combination of single-family and nonsingle-family development will be acceptable if the combination produces a fee equivalent to two hundred (200) single-family residential lots. If a developer pays for more lots than actually platted, he shall be credited with the difference and the credit shall be applied on the next subdivision platted by the developer. In the event the estimated cost of extending a sewer main to serve the developer's property is less than the minimum requirement as set forth herein, the developer shall pay a fee only sufficient to defray the estimated cost of extending a sewer to serve the developer's property. If the developer pays for more lots than actually platted, he shall be credited with the difference and the credit shall be applied on the next subdivision platted by the developer.

(d) Replatting. In the event the developer replats a subdivision platted under the provisions of this section and the amount due by virtue of replatting exceeds the amount originally paid by the developer, the developer shall pay to the city the difference prior to approval of the replatting. If the replatting results in a reduction in the amount originally paid by the developer, the developer shall be credited with the difference and the credit shall be applied on the next

the office of the director of environmental management copies of the following documents:

- (1) The contract between the developer and contractor.
- (2) The performance bond in accordance with Sec. 35-4266.
- (3) A sales tax exemption certificate.
- (4) Insurance requirements as outlined in the specifications.

(c) Repayment will be made on oversize onsite mains by the city to the developer upon final approval of the completed project by the director of environmental management.

Sec. 35-4268 Off-site mains.

(a) Effective July 6, 1970, the city will construct all off-site mains, lift station and force main systems and sewage treatment plants (when authorized by the Texas Water Commission) necessary to serve a developer's land, outside of other incorporated cities in areas outlined in Exhibit E at the end of this chapter, subject to the provisions of this chapter. The city reserves the option of providing such off-site service at a single location for each development or designating an existing adjacent system to which a transfer of on-site flows shall be authorized and approved. Where a sewage treatment plant is required, plat approval will be withheld until the Texas Water Commission's authorization has been obtained.

(b) As an alternative to a required sewage treatment plant, at the option of the developer and when approved by the director of environmental management, the city will participate in the construction of a sewage lift station and force main system in lieu of a sewage treatment plant in an amount not to exceed twenty thousand dollars (\$20,000.00).

(c) Sewage lift station and force main systems pursuant to subsection (b) above shall be constructed in accordance with plans and specifications prepared by the developer's engineer. Such plans and specifications shall be prepared in accordance with city standards and approval of plans by the director of environmental management shall be required prior to advertisement of bids. The project shall be advertised for bids by the city and all qualified bids submitted shall be publicly opened and read aloud at a time and place designated by the city clerk. Prior to issuing an order to proceed with the construction of the project, the successful contractor shall submit to the office of the director of environmental management copies of the following documents.

- (1) The contract between the developer and contractor.
- (2) The performance bond in accordance with Sec. 35-4266.
- (3) The sales tax exemption certificate.
- (4) Insurance requirements as outlined in the specifications.

(d) Payment for sewage lift station and force main systems constructed pursuant to subsection (b) not exceeding the amount specified shall be made by the city to the developer upon final approval of the completed project by the director of environmental management.

(e) Where a lift station is required to be constructed by the city to accommodate off-site flows, including lift stations for treatment plants, the

OVERSIZE MAIN PAYMENT SCHEDULE

Size of main adequate to serve developer's land	Main size required by city	Cost of line installment per- centage refund to developer
8"	10"	10
	12"	21
	15"	45
	18"	56
	21"	67
	24"	74
	27"	79
	30"	82
	33"	84
	36"	86
	42"	89
10"	12"	13
	15"	40
	18"	51
	21"	63
	24"	71
	27"	77
	30"	80
	33"	82
	36"	83
	42"	88
12"	15"	31
	18"	44
	21"	58
	24"	67
	27"	73
	30"	77
	33"	80
	36"	83
	42"	86

(b) Oversize on-site mains shall be constructed in accordance with plans and specifications prepared by the developer's engineer. Such plans and specifications shall be prepared in accordance with city standards and approval of plans by the director of environmental management shall be required prior to advertisement of bids. The project shall be advertised for bids by the city and all qualified bids submitted shall be publicly opened and read aloud at a time and place designated by the city clerk. Prior to issuing an order to proceed with the construction of the project, the successful contractor shall submit to

(b) The construction of on-site mains in accordance with plans and specifications approved by the director of environmental management shall be done by a contractor of developer's choice; provided, however, that such contractor shall furnish a performance bond, executed by a corporate surety authorized to do business in the state and maintaining in the county an agent upon whom service to citation may be had, in an amount equal to the total construction cost. The bond shall run in favor of the city or in favor of the city and the developer, and shall be conditioned upon (1) completion of the entire construction in full conformity with the plans and specifications approved by the city, (2) maintenance of such construction for a period of ninety (90) days after acceptance thereof by the director of environmental management, and (3) payment in full by the contractor of all claims for labor performed or materials furnished in connection with such construction. All such construction work shall be subject to inspection by representatives of the city, and no portion of any main installed in any excavation shall be covered unless and until the construction of such portion shall have been inspected and approved by a representative of the city.

(c) The city reserves the option of requiring all on-site flows generated by any development or part thereof to be delivered to a single location for off-site disposal.

(d) Additionally, should either or both lift station or force main pressure system be required to utilize a provided off-site service location, such lift station or force main pressure system shall be installed at developer's cost, save and except that all motors, pumps and materials including force main piping necessary for their operation shall be provided by the city.

(e) No letter of acceptance shall be issued nor any connection to city sewer mains be permitted until the off-site service system to serve the development or part thereof has been completed and is functional.

Sec. 35-4267. Oversize on-site mains.

(a) Should the director of environmental management require the installation of on-site mains of a larger diameter than necessary to provide adequate sewer service to developer's property, a percentage difference between the cost of such larger mains and the size main required to serve developer's property will be refunded to developer based upon the following schedule and in accordance with subsection (c).

Subdivision B. Sanitary Sewers

Part 1. General

Sec. 35-4261 Sewers.

(a) All subdivisions shall be provided with an approved sewage disposal system. The sanitary sewer collector system shall be designed in accordance with the standards and specifications set forth in Exhibit A of this chapter.

(b) Connection with the sanitary sewer system shall be required except where the director of environmental management determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal. Such cost estimates of the sanitary sewer system versus other proposed methods of sewage disposal shall be submitted to the director of environmental management by the subdivider.

(c) Texas Administrative Code, 31 TAC 331.1-333.11, to include the latest revision thereof is incorporated herein for all purposes and is adopted as criteria to be followed in the portion of the city and its extraterritorial jurisdiction which lies within the recharge zone of the Edwards Aquifer.

Sec. 35-4262. Provisions for residential lots platted prior to July 6, 1970.

(a) Scope. Provisions of this section shall apply only to a lot or lots platted within the city limits prior to July 6, 1970. Such plats must have been approved and filed in the deed and plat records of the county and shall be intended for single-family residential use and shall not be intended for further development and/or sale.

(b) Service provided. Upon application, the city will construct, lay or extend all necessary sewer mains to provide the service for which application is made; provided, however, that such construction shall be limited to one hundred (100) feet for each lot having existing usable improvements which could connect into the proposed line. Should there be an insufficient number of such lots to warrant the construction of such lines under this provision, the city will construct the line at its expense as far as the provisions of this section permit, and the customers beyond this point may extend the line at their expense with the city furnishing all materials required.

Part 2. Developer Customers

Sec. 35-4266. On-site mains.

(a) In the event a developer desires the extension of sewer mains to serve his subdivision, the developer shall bear the entire cost of all on-site mains. The size of the on-site mains to be installed shall be determined by the director of environmental management taking into consideration the requirements of adjacent areas of future growth which must be served by such mains. The decision of the director of environmental management concerning the size of the required mains shall be final.

Subdivision C. Easements

Sec. 35-4281. Easements.

- (a) If the owner of the property upon which a utility easement is located desires to use it for lawn purposes, fencing across the easement shall be permitted but gates along the side lot lines must be provided. The gates shall be sixteen (16) feet wide (two (2) eight-foot gates) and shall be capable of being opened and closed at all times. These gates shall be secured in the center by a drop rod or some similar device which does not obstruct free passage over the easement. The drop rod may be lowered into a drop rod keeper installed so as to be flush with the ground level. No permanent-type center pole for the gates may be erected. The gates shall remain unlocked at all times.
- (b) Property owners who do not desire to use a utility easement for lawn purposes may fence their backyard area at the easement line. The property owner is responsible for the maintenance of the unused easement area even though it may be located beyond the rear fence of the property.
- (c) Maintenance of the utility easement is the responsibility of the owner of the property upon which it is located. It shall be the duty of the property owner to keep the area clear of any structure, debris, vegetation, trees, shrubs or landscaping whatsoever, except that lawn grass which shall be regularly mowed and controlled may be grown thereon.
- (d) Normal curb exposure shall be maintained where utility easements intersect streets.
- (e) Overhead utility line easement shall be provided to afford clearance from existing overhead utility lines as specified by the National Electrical Safety Code, by city public service regulations and by other applicable codes and laws. City public service will provide information required to ensure compliance with these specifications.
- (f) Where utility easements are not themselves straight within each block or if they do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.
- (g) Permits shall not be issued for construction of fences or other structures not in compliance herewith.
- (h) Easements may be permitted for a specific purpose when requested by a particular utility. Such specific use easements shall be a part of a lot or lots unless designated to be converted into public street right-of-way.
- (i) Easements may be designated to be converted into public street right-of-way on a subsequent plat without vacating and replatting. Such easements shall be annotated as required by section 35-4202.

development or any part thereof, all portions of such treatment facilities or lift stations including access roads thereto shall be on public property or within an easement or right-of-way secured by the developer and granted to the city for such purposes and evidenced by an appropriate written instrument suitable for filing with the county clerk. However, it is expressly excluded from being the responsibility of the developer to provide any interest in land for any off-site mains or facilities other than those required pursuant to section 35-4268(b).

Sec. 35-4274. City not obligated to proceed.

(a) In no event shall the city be obligated to proceed under the terms of this article if sufficient funds are not available in the sewer extension fund or, if in the opinion of the director of environmental management, the extension is not in the public interest.

(b) Nothing in this article shall be construed as a surrender by the city of its control over the streets, alleys, public ways or public easements. The decision of the director of environmental management shall be final in determination of line size, the approval of plans and specifications, and the availability of funds for repayment of oversize lines.

Sec. 35-4275. No vested rights.

No person shall acquire any vested rights under the provisions of this subdivision.

Division 7. Flood Plains

Subdivision A. General

Sec. 35-4301. Title, duties of officials.

The provisions of this division shall be known as and may be cited as the city's Flood Plain Ordinance, and all officials of the city having duties under these regulations are ordered and directed to perform such duties as required of them under these regulations.

Sec. 35-4302. Reporting violations, other remedies.

Violations of this division shall be reported by the city flood plain administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the city council may institute appropriate action to abate violations of these regulations as a public nuisance and in violation of chapter 34.

Sec. 35-4303. Findings of fact.

(a) The flood hazard areas of San Antonio are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 35-4304. Statement of purpose.

It is the purpose of this division to promote the public health, safety, and general welfare and to minimize public harm and private losses in special flood hazard areas with provisions designed:

(a) To protect human life and property exposed to the hazards of flooding;

(b) To ensure that potential property owners are notified if property is in a special flood hazard area;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;

Sec. 35-4282. Utility lines.

All utility lines shall be installed in alleys, utility easements, specific use easements or street right-of-way in accordance with the utilities layouts submitted by the subdivider and approved by the director of public works, city public service, city water board and/or other approved water districts or agencies involved with providing utility services. All sanitary sewer service connections must be installed before street is paved. All other utility service connections which will cross any portion of a street required to be paved by these regulations must either be installed before the street is paved or, if installed after paving, shall be installed by boring beneath the paved surface in such a way that no cut will be made in the paved surface. Where it is necessary that utility service connections pass under the street pavement, they shall be installed to a point at least three (3) feet beyond the edge of pavement.

Sec. 35-4283. Overhang easements.

In all alleys overhang easements for electric and telephone lines of at least four (4) feet on each side of the alley strip at a height at or above eighteen (18) feet shall be provided.

Sec. 35-4284. Drainage easements.

where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs. Such easement or right-of-way requirements shall be determined by the criteria set out in Exhibit A included at the end of this chapter. Easements for earth channels shall extend a minimum of two (2) feet on one side and fifteen (15) feet (or seventeen (17) feet when utilities are installed) on the opposite side of the extreme limits of the channel, when such channel does not abut an alley or roadway.

(f) To minimize expenditure of future public money for costly flood control projects; and

(g) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.

Sec. 35-4305. Methods of reducing flood losses.

In order to accomplish its purposes, this division uses the following methods:

(a) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(b) Requires that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controls, in the sense of providing authoritative guidance, the alteration of natural flood plains, their protective barriers and stream channels;

(d) Prevents the construction of barriers which will divert flood waters and subject other lands to greater flood hazards;

(e) Controls, in the sense of providing authoritative guidance, development which would cause greater erosion or potential flood damage such as grading, dredging, and excavation.

Sec. 35-4306. Special flood plain definitions.

The following definitions apply only to this division:

Elevated Building - means a nonbasement building (i) built, in the case of a building in Zones Al-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones Vl-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones Al-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones Vl-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e) (5) of the National Flood Insurance Program regulations.

Existing Construction - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before the date. "Existing construction" may also be referred to as "existing structures."

Start of construction - means for all new construction and substantial improvements, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. The start of construction period is valid for 180 days. Any delay beyond this period would require resubmission of added data and the permit application.

Sec. 35-4307. Lands to which provisions apply.

This division shall apply to all areas of special flood hazard within the jurisdiction of the city and where applicable in its area of extraterritorial jurisdiction.

Sec. 35-4308. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of San Antonio, Texas", dated December 15, 1983, together with the accompanying Flood Insurance Rate Maps and Flood Hazard Boundary - Floodway Maps and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations. The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Insurance Rate Maps (FIRM), Community Panel Number 480045 0001-0059, dated December 15, 1983 shall be used as the controlling study for the base flood (100-year frequency flood) within the city limits of San Antonio. Similar studies done by FEMA shall also be used for control in the city of San Antonio's area of extraterritorial jurisdiction, along with the flood plain information reports prepared by the U.S. Corps of Engineers, and the U.S. Geological Survey, Water Resources Division District Office, Austin, Texas, 1:24,000 U.S.G.S. quadrangle maps as prepared for the Federal Emergency Management Agency or the latest revisions thereof. These reports and maps are available for inspection by the public in the office of the city drainage engineer.

Sec. 35-4309. Compliance.

No structure or land in an area of special flood hazard shall hereafter be located, altered, have its use changed, or otherwise be developed unless a flood plain development permit has been issued, pursuant to the terms of this ordinance. Proposed work must be started within six months of the date of approval of a flood plain development permit, otherwise the permit will become null and void.

Subdivision B. Administration and Enforcement

Sec. 35-4321. Designation of a city flood plain administrator.

The director of public works is hereby appointed to administer and implement the provisions of this division.

Sec. 35-4322. Duties and responsibilities of flood plain administrator.

Duties and responsibilities of the city flood plain administrator shall include, but not be limited to:

- (a) Maintain and hold open for public inspection all record pertaining to the provisions of these regulations;
- (b) Review, approve or deny all applications for development permits required by Section 35-4331 of this chapter;
- (c) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;
- (d) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the director of public works shall make the necessary interpretation.
- (e) Notify adjacent communities and the Texas Water Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (f) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished, where appropriate easements are provided.
- (g) When base flood elevation data for various flood prone areas has not been provided in accordance with section 35-4308, the director of public works shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer the provisions of this division.
- (h) No new construction, substantial improvements, or other development (including cut and/or fill) shall be permitted within zones A1-30 on the community's FIRM, unless it is first demonstrated by engineering data submitted by the applicant's engineer in accordance with the various requirements and procedures as set forth in this ordinance that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

Sec. 35-4310. Abrogation and greater restrictions.

This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 35-4311. Interpretation.

In the interpretation and application of this division, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 35-4312. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the city of San Antonio or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

Subdivision C. Development Permits

Sec. 35-4331. Requirement.

A flood plain development permit shall be required for all land development in any area of special flood hazard to ensure conformance with the provisions of this division.

Sec. 35-4332. Application.

(a) Application for a flood plain development permit shall be presented to the director of public works, on a form furnished by him, prior to any proposed cut and/or fill, building or establishment of a manufactured home site. Application for a flood plain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a flood plain development permit shall serve only as an approval of the flood plain ordinance requirements. No cut/or fill, building, or other site alterations shall proceed until the permit is approved. The permit application shall be accompanied by supporting hydrology and hydraulic data prepared by a registered professional civil engineer in accordance with Exhibit D included at the end of this chapter. It may also include, but not be limited to, plans in duplicate drawn to scale showing the locations, dimensions, and elevations of proposed structures, and the location of the foregoing in relation to areas of special flood hazard.

(b) In addition to the above, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures.
- (2) Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed.
- (3) Certification from a registered professional civil engineer or registered architect that the non-residential floodproofed structure shall meet the floodproofing criteria of section 35-4342.
- (4) Certification of the fair market value of an existing structure prepared by a Certified Real Estate Appraiser and a cost estimate of proposed improvements to the structure prepared by a registered architect or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed fifty percent (50%) of the fair market value of the existing structure. In the case of a structure that has suffered damage, the data will verify the fair market value of the structure before the damage occurred.
- (5) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

Sec. 35-4333. Approval or denial.

(a) Approval or denial of a flood plain development permit by the director of public works shall be based on all of the provisions of this division and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage; velocities in excess of six (6) feet per second shall be considered erosive and the product of the velocity times the depth of flow in excess of that shown as within the "safe range" by Exhibit D shall be considered dangerous to life. Erosive protection will consist of compacted fill and four (4) inch thick concrete riprap or other erosion control methods as approved by the director of public works. Mitigating measures shall be prepared.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The danger that materials may be swept onto other lands to the injury of others; materials to be stored in special flood hazard areas shall be properly restrained by anchorage or restraints so that flotation and displacement will not occur during the inundation period.
- (4) The safety of access to the property in times of flood for ordinary and emergency vehicles; flow depths for access adjacent to construction shall not be greater than one (1) foot for proposed subdivisions or buildings.
- (5) The cost of providing governmental services during and after flooding conditions.
- (6) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the sites shall be analyzed as delineated in Exhibit D.
- (7) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (8) The relationship for the proposed use to the comprehensive plan for that area, with respect to the dedication of additional drainage easement for future bond projects, in accordance with these subdivision regulations.

(b) If a flood plain development permit application is disapproved, the director of public works shall notify the applicant in writing of the section and specific requirement of this division with which the proposed development does not comply and the nature of such noncompliance.

Sec. 35-4334. Performance bond.

(a) All proposed drainage improvements to be made within the limits of the area of special flood hazard as set forth in section 35-4308, shall require a performance bond which shall be filed with the city clerk, after the approval of the flood plain development permit. An exception to this requirement is made for improvements being made in conjunction with the platting of a subdivision under the requirements of this chapter.

(b) A performance bond will be executed by a surety company, licensed to do business in the State of Texas, in an amount equal to the cost estimate, such

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

(e) Upon consideration of the factors noted above and the intent of this ordinance, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives stated in section 35-4304.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) Prerequisites for granting variances:

(1) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(2) Variances shall be granted only upon:

- a. A showing of good and sufficient cause,
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(h) Any applicant to whom a variance or variances are granted shall be given written notice of the specific parts of the Flood Plain Ordinance for which variances were granted and that the cost of flood insurance will be commensurate with the increased risk resulting from the granting of the variance.

Sec. 35-4336. Notification; creation of lien.

(a) Whenever the flood plain administrator receives information of the existence of a flood plain violation which in the opinion of the city's health officer results in the creation of a health hazard in accordance with Vernon's Ann. Civ. St. art. 4436, the flood plain administrator shall serve the owner of the property with a written notice informing the owner of such condition and directing that action be taken to bring the property into compliance within fifteen (15) days.

(b) Such notice may be served by personal delivery to the owner if he can be located within the city limits, but if he cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, but if such address cannot be ascertained after reasonable effort, notice may be service by publication as many as two (2) times within ten (10) consecutive days in a newspaper of general circulation published in the city. In the case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.

cost estimate to include an inflation factor based upon a locally recognized construction cost index, as approved by the director of public works, of all uncompleted and unaccepted improvements required by these regulations, with the condition that the developer shall complete such improvements and have them approved by the director of public works, within three (3) years from the date of approval of the flood plan development permit.

(c) The performance bond shall be substantially in the same form as the bond instrument set out in Exhibit D of this ordinance. The director of public works is authorized to sign the bond instrument on behalf of the city of San Antonio, and the city attorney shall approve the same as to form.

Sec. 35-4335. Variance procedures.

(a) The planning commission shall consider requests for variances from the requirements of these regulations. Variance requests shall be processed as follows:

- (1) For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the director of planning together with information as to why the variance should be granted. The commission will then hear the request as soon as practical.
- (2) For subdivision plats, the applicant may submit the disapproved permit and the request for variance prior to plat submission or in conjunction with other data required for the platting process. This request shall be handled similar to (a)(1) above. If the applicant chooses to submit the disapproved permit as part of the plat submission process, then the variance request shall be handled similar to other variances requested under Section 35-4006, except that criteria for the flood plain variance shall be governed by this section.
- (3) The director of planning shall notify the director of public works of the applicant's request for variance and shall furnish him with a copy of the request together with the applicant's statement of facts which he feels warrant the granting of the variance. The director of public works shall reply in writing as to his evaluation of the applicant's request and make a recommendation as to approval or denial of the variance request.
- (4) The director of planning shall notify the director of public works of the decision of the planning commission. If the commission approves the request, the permit will be issued with the variance and with any special conditions that are attached to the variance.

(b) Any person or persons aggrieved by the decision of the planning commission may appeal such decision in the courts of competent jurisdiction.

(c) The director of public works shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

Sec. 35-4337. Continuing obligations.

Drawings and other material or criteria submitted to the director of public works in applying for such permit shall, upon approval and issuance of such a permit, be a part of a condition and term of such permit. In addition, all standards and requirements of this division and all factors listed in this division as relevant in approving or denying such permit shall be a part of such a permit and a condition and term of such a permit. In addition to named materials required to be submitted in applying for such a permit, the director of public works may require additional submission in order to verify whether such a permit should be issued. The conditions and terms shall constitute a continuing obligation upon all future occupants or users of the land to the extent same are applicable after development has been completed.

(c) If the owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place of business or officer can be located within the city limits, but if such office, place of business, or officer cannot be so located after reasonable effort, service may be made by certified letter addressed to its corporate headquarters post office address, but if such address cannot be ascertained after reasonable effort, the notice may be served by publication as many as two (2) times within ten (10) consecutive days in a newspaper of general circulation published in the city.

(d) Whether delivered personally, by mail, or by publication, the notice provided for above shall be addressed to the owner, but if the owner is not known, service may be had by publication addressed "To the owner of {legal description of the property involved}." The notice shall give the legal description of the property, state the condition which constitutes a violation hereof, and shall state that upon failure of the owner to rectify the situation within fifteen (15) days from date the notice is delivered or within fifteen (15) days from date of the second publication, if notice is to be served by publication, a criminal complaint may be filed in the municipal court of the city for violation of this chapter, stating the penalties for violation hereof as given below.

(e) The city may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to either do such work or cause work to be done within fifteen (15) days from the date notice has been received or published, and to charge the owner for the costs incurred by the city. A statement of the costs incurred by the city to abate such condition shall be mailed to the owner of such premises if the owner and mailing address is known and, if not known, may be published in a newspaper of general circulation in the city. The statement shall demand payment within thirty (30) days from the date of receipt or publication.

(f) If such statement has not been paid within such period, the flood plain administrator and the city's health officer may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the county clerk of the county in the deed records, and such statement shall be and the city shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street improvement, together with ten (10) percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as foresaid, suit may be instituted and foreclosure had in the name of the city; and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.

(g) Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the city crews or city contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this division. In such case, the removal of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.

(b) Non-residential construction.

- (1) New construction or substantial improvements of any commercial, industrial or other non-residential structure shall have either (a) the lowest floor, including basement, elevated to the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) A registered professional engineer or registered architect shall submit a certification to the director of public works that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The director of public works shall utilize the flood proofing regulations manual prepared by the U.S. Army Corps of Engineers as a guide in determining construction requirements.

(c) Manufactured homes

- (1) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):
 - a. Over-the-top ties at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long require one (1) additional tie per side.
 - b. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;

Subdivision D. Standards for Flood Hazard Reduction

Sec. 35-4341. General standards.

In all areas of special flood hazards the following provisions are required;

- (a) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see the U.S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the U.S. Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).
- (c) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the U.S. Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).
- (d) All new and replacement water supply systems shall be designed to city water board standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
- (e) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
- (f) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base flood water surface elevation.
- (g) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or flood plain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.
- (h) Flood plain engineering and procedures requirements within FEMA or U.S. Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Exhibit D.

Sec. 35-4342. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:

- (a) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this subsection is satisfied. Floodproofing will not be allowed as a substitute for the lowest floor, including basement, being elevated one (1) foot above the base flood elevation.

- (1) Have the lowest floor elevated above the highest adjacent grade as high as the depth number specified on the community's FIRM, (at least two feet if no depth number is specified).
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) A registered professional civil engineer, registered public surveyor, or registered architect shall submit a certification to the director of public works that the standards of this section are satisfied.
- (d) Require within zones AH and AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

Sec. 35-4344. Subdivision proposals.

- (a) All subdivision proposals shall be consistent with sections 35-4303, 35-4304, and 35-4305.
- (b) All proposals for the development of subdivisions shall meet the development permit requirements of this division. No flood proofing of an existing or proposed building in a new subdivision will be allowed as a substitute for providing the proper finished fill elevation above the base flood or 25-year ultimate development flood elevation, whichever is higher. Buildings in a proposed subdivision shall be on land that is above the controlling flood elevation.
- (c) Base flood elevation data shall be provided for subdivision proposals and other proposed development, if not otherwise provided, and shall conform to Exhibit D.
- (d) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and in accordance with this division.
- (e) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so that they will not affect the existing water surface elevations of the base flood or 25-year ultimate development flood (whichever is greater) in the area of special flood hazard.
- (f) All proposed subdivisions must be contiguous to high ground that is not subject to flooding (the base flood or the 25-year ultimate development flood, whichever is higher) that is in excess of one (1) foot flow depth, ie., no "island" will be considered for platting; unless adequate connecting structures capable of passing the base flood or 25-year ultimate development flood (whichever is higher) are provided to high ground (not subject to the controlling flood of the same flood plain), and an additional one (1) foot of free board is provided to all minimum floor slab elevations.

- d. Any additions to the manufactured home shall be similarly anchored.
- (2) All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall conform to the following criteria:
 - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this paragraph complies with subsection (a).
 - b. Adequate surface drainage and access for a hauler are provided.
 - c. In the instance of elevation on pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten (10) feet apart, and (iii) reinforcement is provided for pilings more than six (6) feet above the ground level.

(d) Floodways. Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If subparagraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- (3) The placement of any manufactured homes is prohibited except in an existing manufactured home park or subdivision.

Sec. 35-4343. Areas of shallow flooding (AO zones).

Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, in these areas the following provisions shall apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor elevated one (1) foot above the highest adjacent grade or one (1) foot above the depth number specified on the community's FIRM (at least two (2) feet if no depth number is specified), whichever is higher controls.
- (b) All new construction and substantial improvements of non-residential structures shall:

engineer. The application shall include two (2) sets of documents with the following information:

- (1) Plans and specifications showing the site and location, dimensions of all property lines and topographic elevations of the lot, existing and proposed structures and improvements, fill, storage of materials, location and elevations of existing and proposed streets and utilities, flood-proofing measures, relationship of the above to the location of the flood boundary, the regulatory flood elevation and data, and the existing and proposed flood control measures and improvements.
- (2) Cross-sections and profile of the area and the regulatory flood level.
- (3) Flood study and drainage report in areas where a study and report have not been reviewed and accepted by the city.
- (4) Description of surrounding properties and existing structures and uses.
- (5) Justification and reasons for the construction or substantial improvements with consideration of the intent and provisions of these regulations and information as may be applicable on the general standards of section 35-4341 and the following:
 - a. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - c. The importance of the services provided by the proposed facility to the community.
 - d. The availability of alternative locations not subject to flooding for the proposed use.
 - e. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - f. The relationship of the proposed use to the flood plain management program for the area.
 - g. The safety of access to the property in times of flood for emergency vehicles.
 - h. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - i. That the construction or substantial improvement will not result in adverse increase of flood heights, additional threat to public safety, extraordinary public expense, or conflict with other laws or regulations.
- (6) An agreement whereby a notice will be inserted in the deed and other conveyance documents of the property and filed with the Bexar county clerk's office that the property is located in a flood prone area. The notice shall also contain a statement of the number of feet the lowest non-floodproofed floor of the proposed structure is below the 100-year flood level and that actuarial flood insurance rates increase as the first floor elevation decreases.

(g) All proposed subdivisions traversed by an area of special flood hazard where the "buildable" portion of the subdivision is severed by the flood plain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (base flood or 25-year ultimate development) without overtopping the structure or affecting the upstream property by backwater, and shall not be designed with excessive velocities.

(h) Proposed subdivisions that involve the platting of streets shall have at least one (1) access to an unflooded portion of existing dedicated street or roadway.

(i) Proposed subdivisions that do not involve the platting of streets shall have access to an existing dedicated street that is not subject to flood depths of over one (1) foot.

(j) Existing channels shall not be increased or decreased from their natural state until engineering data as described in Exhibit D has been approved by the city engineering division. Flood plain engineering and procedures requirements for subdivision within FEMA or U.S. Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Exhibit D.

Sec. 35-4345. Low risk flood area.

(a) New construction or substantial improvement of any structure, as permitted by other ordinances and regulations unless otherwise stated, may be permitted in a low risk flood area through a flood plain development permit. The low risk flood area, generally known as the River Bend Area, is more specifically described in Exhibit D. This section shall apply only to the lower level of multi-level structures and the street level adjacent to the river walk area. The lower level of a multi-level structure is in the low risk flood area if it is adjacent to the river walk and has access to the river walk area. The lower level is further defined as being below the regulatory flood level.

- (1) Permitted uses in the low risk flood area will be limited to nonresidential uses such as commercial restaurants with open air dining facilities, recreation and entertainment areas, and other commercial establishments.
- (2) Any permanent or temporary use as a place of residence or sleeping quarters shall not be permitted in the low risk flood area.
- (3) No construction shall be permitted below the River Walk level. All new construction along the River Walk shall be multistory, with street level egress from any newly constructed shop, restaurant, or other establishment on the River Walk. New construction at the River Walk level shall be essentially open with jalousies, folding doors, iron gates, or other similar provisions for security. All new construction in the low risk flood area shall utilize to a maximum extent, decorating and building techniques which minimize flood damage. The first habitable floor shall be elevated one (1) foot above the base flood level.

(b) The flood plain development permit application shall be submitted to the director of public works and signed and sealed by a registered professional

Division 8. Mobile Home Parks

Sec. 35-4401. Purpose.

The purpose of this division is to achieve orderly development of mobile home parks, to promote and develop the use of land to assure the best possible community environment in accordance with the master plan of the city and to protect and promote the health, safety and general welfare.

Sec. 35-4402. Issuance of permits and licenses.

(a) The director of building inspections shall not issue building or repair permits or certificates of occupancy for structures in mobile home parks until a plan has been approved in the manner prescribed by this chapter and duly filed in the office of the director of building inspections.

(b) The director of public health shall not issue a license for a mobile home park until it is in conformity with the requirements of this chapter. The license shall show nonconformity status if it exists.

Sec. 35-4403. City improvements and services.

The city will withhold all public improvements and services from mobile home parks, including sewerage facilities, and water, gas and electric service until the mobile home park has been approved in the manner prescribed by these regulations.

Sec. 35-4404. General prohibition against location outside of parks.

(a) No person shall park or occupy any mobile home or recreational vehicle on any lot or tract of ground not within an approved mobile home park, condominium or recreational vehicle park, except that the parking of one (1) unoccupied recreational vehicle in an authorized accessory private garage, building, or in a rear yard is permitted if no living quarters are maintained or no business practiced in the recreational vehicle while the vehicle is so parked or stored. Use of such vehicle, as permitted under this paragraph, shall be limited to off-premises recreation or travel.

(b) Emergency or temporary stopping or parking of mobile homes is permitted on any street, alley, or highway for not longer than three (3) hours subject to any other prohibitions, regulations or ordinances pertaining to the particular street, alley, or highway.

Sec. 35-4405. Permit for temporary use at construction sites.

(a) Authorization may be issued by the director of building inspections to permit an individual mobile home to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.

(7) Such other factors which are relevant to the purposes of these regulations.

(c) The director of public works shall approve or deny a flood plain development permit in the low risk flood area based on the provisions of this section and other requirements of these regulations which may be applicable to the low risk flood area.

(d) If a flood plain development permit is disapproved, the director of public works shall notify the applicant in writing of the section(s) and the specific requirement(s) of these regulations with which the proposed development does not comply and the nature of such noncompliance.

(e) Requests for variances shall follow the variance procedures as set forth in section 35-4335 of this division.

- (8) The width of each private street or other roadway or right-of-way in the proposed mobile home park.
- (9) The source of water supply and layout of the water system, including locations of standard fire hydrants.
- (10) The method of sewage disposal and the layout of the sewer system.
- (11) The name of the mobile home park and the legal description of property.
- (12) The location, dimensions, and purposes or any easement or reservations.
- (13) The boundaries of each mobile home stand and site, and other sites with accurate dimensions.
- (14) A number to identify each mobile home stand.
- (15) The front building setback lines on all mobile home stands, and other sites and side yard setback lines at street intersections and cross-walkways.
- (16) The city limits line, if it traverses the mobile home park.
- (17) The location diagram.
- (18) An owner's certificate in the following form:

State of Texas
County of Bexar

I hereby certify that this plan is true and correct and if approved by the planning commission, all development will be in accordance with this plan, and no alterations will be made in this plan after approval.

Owner or authorized agent

- (19) An approval form in the following format:

This Mobile Home Park Plan for _____ has been submitted to and considered by the Planning Commission of the City of San Antonio, Texas, and is hereby approved by such Commission. Dated this _____ day of _____ 19 ____.

By: _____
Chairman

By: _____
Secretary

Sec. 35-4408. Plat to be submitted with plans.

The developer shall submit a subdivision plat simultaneously with the filing of the mobile home park plan if the property has not been previously platted.

(b) An occupancy permit related to construction shall not be issued by the director of building inspections until the mobile home has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the mobile home has been removed from the lot in question.

(c) A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or twelve (12) months after issuance of the building permit, whichever time is shorter.

(d) In any case in which construction is not completed within the twelve-month period, the director of building inspections, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six-month period.

Sec. 35-4406. Mobile home park plan.

Every developer seeking approval of a proposed mobile home park shall submit to the director of planning five (5) blue- or black- line copies of a mobile home park plan and one 8-1/2 x 11 inch reduced copy on vellum or similar quality material accompanied by a processing fee as specified in Exhibit C.

Sec. 35-4407. Plan specifications.

(a) Generally. The mobile home park plan shall be drawn to a scale of one hundred (100) feet to one (1) inch (1" = 100'). Where more than one sheet is necessary to accommodate the entire area to be developed, an index sheet showing the entire mobile home park at an appropriate scale shall be attached to the plan.

(b) Site improvement data. The following data regarding site improvements are required:

- (1) A plan of and typical section of streets, sidewalks, crosswalks, slabs, patios, if any, and details on sewer and water sections.
- (2) The name of the developer.
- (3) The name of the record owner of the land involved.
- (4) The legal description of the land being developed, with an identification number assigned to each mobile home site.
- (5) The tract boundary lines.
- (6) The scale, north arrow and date.
- (7) The final contour data to show drainage of the site of the proposed mobile home park. If the average grade of the site is five (5) percent or less, the maximum contour interval shall be two (2) feet. If the average grade of the site is greater than five (5) percent, the contour interval may be increased to five (5) feet.

Sec. 35-4415. Yards and distances between stands and buildings.

(a) Objective. The objectives of yard requirements are:

- (1) To obtain sufficient distances between the mobile home stand on its lot and obstructions on adjoining land to assure privacy, adequate natural light and air, and convenient access to the unit.
- (2) To provide for circulation around the unit for such uses of the yard spaces as are considered essential to the mobile home.

(b) Determination of yards. Yard width shall be measured from the required mobile home stand to the individual mobile home lot line. At every point it shall be at least equal to the required minimum. Patios, carports and individual storage lockers shall be disregarded in determining yard widths.

(c) Yards abutting common areas. The distance from any part of the mobile home to a street pavement shall be eight (8) feet minimum.

(d) Distance to park boundaries. The distance from the line or corner of any mobile home stand to a boundary line of the mobile home park shall be adequate to protect the residential use in the park. In any case it shall not be less than twenty-five (25) feet, where abutting a public street and along the rear property line. Yard requirements along other property lines shall be ten (10) feet.

(e) Yard requirements.

- (1) Mobile home stands shall be separated from each mobile home site line a distance of not less than five (5) feet except that, in no case on the entry side, shall this distance be less than ten (10) feet.
- (2) Detached accessory structures shall be located no nearer than three (3) feet from any required site line. In no case, however, shall the accessory structure occupy more than thirty (30) percent of the required yard area of the entry side. Accessory structures attached to the mobile home shall be construed to be a part of that structure and shall adhere to the yard requirements of same.

Sec. 35-4416. Private streets within a mobile home park.

(a) Generally. Streets shall be provided on the site of mobile home parks where necessary to furnish principal traffic-ways for convenient access to the mobile home site and other important facilities on the property. Streets shall be retained as private streets on the property.

(b) Recognition of existing facilities. The street system shall be designed:

- (1) To recognize existing easements, utility lines, etc., which are to be preserved.
- (2) To permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

Sec. 35-4409. Revision of plan after approval.

No changes, erasures, modifications or revisions shall be made in any plan of a mobile home park after approval has been given by the planning commission and the approval has been endorsed on the plan in writing, unless the change, modification or revision is first submitted to and approved by the planning commission.

Sec. 35-4410. Arrangement of building and facilities.

The site including mobile home stands, patios, buildings and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size and position of buildings and common facilities and with full regard to use and appearance.

Sec. 35-4411. Protection from adverse influence.

Adequate protection shall be provided against any undesirable off-site conditions or any adverse influence from adjoining streets or areas.

Sec. 35-4412. Density.

The development of a mobile home park shall be appropriate for and consistent with good planning practice for the particular location of the mobile home park, and shall be designed with a maximum density of ten (10) units per acre except for planned residential developments.

Sec. 35-4413. Required recreation areas.

(a) In all mobile home parks, except for those developed as a planned residential development, there shall be one or more recreation areas which shall be easily accessible to all park residents.

(b) The size of the recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No recreational area shall contain less than two thousand five hundred (2,500) square feet.

(c) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

Sec. 35-4414. Objective of stand requirements.

The objective of the mobile home stand requirements set forth in this division is to provide for the following:

(a) Practical placement of a mobile home on its stand by means of a car or conveyor truck.

(b) Retention of the mobile home on the stand in a stable condition and a satisfactory relationship to its surroundings.

(c) Practical removal of the mobile home from the lot by means of a car, conveyor truck, or other customary moving equipment.

(j) Edging. Pavements and surfacing other than cement concrete shall be protected at the edges to prevent raveling of the wearing surface and shifting of the pavement base.

(k) Flexible pavement. The base shall be a minimum of six (6) inches in thickness and shall be composed of crushed stone, gravel or other appropriate durable material compacted to maximum practical density. The wearing surface shall have a minimum two-course surface treatment of asphaltic material, each covered with aggregate.

Sec. 35-4417. width of accessways to mobile home stands.

The minimum width of accessways to mobile home stands shall be twelve (12) feet, plus any extra width necessary for maneuvering a mobile home on a curve.

Sec. 35-4418. Drainage structures.

Provision for the collection and disposal of surface and subsurface water to protect the buildings and mobile home stands, and to provide safe and convenient use of streets, lot areas and other improvements shall be required in all mobile home parks.

Sec. 35-4419. Driveways.

(a) When required. Driveways shall be provided on the site where necessary for convenient access to service entrances of building, to delivery and collection points for refuse and other material, and elsewhere as needed. This section does not apply to drives or approaches to the individual mobile home stand.

(b) width.

- (1) For full width driveways, the minimum width shall be eight (8) feet. If the driveway is used as a walk, the minimum width shall be ten (10) feet.
- (2) For driveways with two (2) ribbons, the minimum width on center shall be five (5) feet. If the driveway is used as a walk, an additional two and one-half (2 1/2) feet shall be added on the side.
- (3) The apron at the street shall be flared and paved for a minimum twelve (12) foot length. Ribbon driveways shall be acceptable only if straight and constructed of concrete.

(c) Horizontal alignment. The alignment of driveways shall be safe and convenient to back a vehicle out and to provide adequate turn around space.

(d) Pavement. Pavement shall be as set forth in section 35-4416 except that impervious surfacing is not required for short service driveways with light traffic.

(c) Block size and shape. The street system shall be designed to provide desirable mobile home stands and to reduce excessive length of street construction without impairing convenient circulation and access.

(d) Circulation. The street system shall provide convenient circulation by means of local streets and properly located collector streets. Closed ends of dead end streets shall be provided with a turning circle of at least eighty (80) feet in diameter.

(e) Traffic lane widths. Pavements shall be of adequate width to accommodate the contemplated parking and traffic load in accordance with the type of streets as follows:

- (1) Generally, the minimum width of moving lanes shall be ten (10) feet.
- (2) The minimum width of moving lanes shall be eleven (11) feet if adjacent to parking lanes and on collector streets.
- (3) The minimum width for parallel guest parking lanes shall be eight and one-half (8.5) feet and two (2) additional feet shall be added for pedestrian use where adjacent sidewalks are not provided.

(f) Pavement widths. The minimum pavement widths shall be as follows:

- (1) For all streets and collector streets with guest parking on both sides, thirty-seven (37) feet.
- (2) For collector streets with no parking, twenty-two (22) feet.
- (3) For local streets with no parking, twenty (20) feet.
- (4) For one-way local streets with no parking, if less than five hundred (500) feet total length and serving less than twenty-five (25) mobile home stands, eleven (11) feet. This subparagraph shall not apply to cul-de-sacs.
- (5) The radii of the curb returns of private streets to public streets shall be twenty-five (25) feet.

(g) Alignment and gradient. Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.

(h) Intersections. Street intersections shall generally be at right angles. Off-sets at intersections and intersections of more than two (2) streets shall be avoided.

(i) Extent of improvements. The street improvements shall extend continuously from the existing improved street system to provide suitable access to the mobile home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property and to provide convenient circulation for vehicles.

Sec. 35-4420. Water supply.

Every mobile home park shall be provided by the park licensee with an ample supply of water under pressure and approved by the director of public health. Individual water lines from service outlets to mobile homes shall be constructed of one-half (1/2) inch interior diameter PVC service weight pipe, galvanized pipe, polyethylene pipe, one hundred (100) pound pressure test strength, or copper line secured properly so as to eliminate any water leakage or spillage. Internal water supply systems shall be constructed so that they will not be damaged by the parking of mobile homes and they shall be maintained in good condition so as to prevent leakage or spillage.

Sec. 35-4421. Sewage disposal.

All the sewer lines of a mobile home site shall be connected to the public sewage system or a private sewage disposal system approved by the director of public health. Individual sewage drains from the mobile homes to the mobile home site service connections shall be installed utilizing three (3) inch schedule 40 pipe or three (3) inch ABS service weight pipe, with all connections of same material sealed with sealing agents prescribed by the pipe manufacturer so as to prevent leakage or spillage.

Sec. 35-4422. Electrical power lines.

Electrical facilities within a mobile home park shall comply with the rules and regulations regarding placement, installation, operation, and maintenance of electrical facilities as included in, but not limited to, the National Electrical Code and the National Electrical Safety Code.

Sec. 35-4423. Fire hydrants.

Standard fire hydrants, in workable condition, shall be located within five hundred (500) feet of each mobile home. All such fire hydrants shall be connected to not less than a four (4) inch diameter water line.

Sec. 35-4431. Recreational vehicles.

Any area provided for the use of recreational vehicles shall comply with all provisions of this chapter except as follows:

(a) Density. Being consistent with good planning practice, the area so designated shall be designed within a maximum density of twenty (20) units per acre.

(b) Distance to park boundaries. The distance from the line or corner of any recreational vehicle stand to a boundary line of the recreational vehicle park shall be adequate to protect the residential use in the park and shall not be less than twenty-five (25) feet where abutting a public street. Yard requirements along other property lines shall be ten (10) feet. However, where the side lot line property abuts a residence district, a minimum side yard of fifteen (15) feet shall be provided. Where the rear lot line abuts a residence district, a minimum rear yard of twenty (20) feet shall be provided.

EXHIBIT A

SPECIFICATIONS AND DESIGN STANDARDS FOR PUBLIC WORKS IMPROVEMENTS

Division 1. General

Sec. 35-A101. Applicability.

All subdivisions shall comply with the specifications and design standards as outlined hereinafter.

Sec. 35-A102. Construction requirements.

All construction shall meet the requirements as set forth in the city's "Standard Specifications for Public Works Construction," dated January 1981, and the latest revisions thereof. Copies of the document are on file in the office of the city clerk.

Division 2. Streets, alleys, sidewalks, cross walkways and drainage structures

Sec. 35-A201. Street, alley, and cross walkway plans.

The plans and profiles for street, alley, cross walkway and drainage easement improvements submitted shall include the following information:

- (a) Typical sections showing the proposed pavement width, type, thickness and crown; the proposed curb or curb and gutter type, location in relation to center line and exposure; the proposed parkway grading slopes; the proposed locations and type of wheelchair ramps; location of traffic signal conduit; and construction details of all drainage including dimensions, reinforcing and components such as grates and manhole covers. The information shall be given for each different type of streets and alleys in the subdivision.
- (b) Alignment of each street, alley, cross walkway and drainage easement showing a beginning and ending station; each deflection angle of the center line and the station of the point of intersection; the station of the point of curvature and the point of tangency of each curve; the station and angle of intersection of each intersection with another street, alley or drainage easement; the station and radius of each curb return; the location of adjacent right-of-way lines; the location and limits of sidewalks and curbs of each street; the location of each drainage structure; the location and size of all storm sewers; and the length, width, and thickness of cement stabilized base.
- (c) The top of curb grade at each curb end, each fifty-foot station and each end of each curb return; the center line grade at each end and at each fifty-foot station of alleys and drainage ditches; the gradient of each tangent grade and the location and length of each vertical curve; the direction of storm drainage flow at each intersection; the flow line elevations of each drainage structure; the flow line elevation of each storm sewer at each point of change of grade, each end, and the intervening gradients. The profiles of streets, alleys and drainage ditches shall show the natural ground at adjacent property lines and the proposed center line.
- (d) Scale, north arrow, date and plat number of the associated plat. Plans and profiles shall be drawn to scales of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, unless different scales are approved by the director of public works.
- (e) All street and alley plans and profiles shall bear the seal of a registered professional engineer.

Sec. 35-A202. Sight distance.

The following minimum sight distances shall be provided for safe stopping and intersection operations:

Table I.
Minimum Stopping Sight Distance
Level Roadway Conditions

<u>Street Classification</u>	<u>Sight Distance</u>
Primary arterial	300 ft.
Secondary arterial	300 ft.
Collector street	250 ft.

Table II.
Minimum Intersection Sight Distances

<u>Street Classification</u>	<u>Sight Distance</u>
Primary arterial	450 ft.
Secondary arterial	400 ft.
Collector street	300 ft.

Sec. 35-A203. Vertical curvature.

(a) A gradual transition from one roadway grade to another shall be accomplished by means of a vertical parallel curve connecting two (2) intersecting tangents. The minimum length of vertical curve shall be computed from the following formula and table:

$$L = KA$$

Where: L = the length of vertical curve in feet

K = a constant related to sight distance
and geometry of a parabolic curve (see Table III)

A = the algebraic difference in grades in percent

Table III.
Design Values for Constant "K", Vertical Curvature

<u>Street Classification</u>	<u>"K" Crest Curves</u>	<u>"K" Sag Curves</u>
Primary arterial	70	60
Secondary arterial	70	60
Collector street	55	55

(b) For flat gradients, where sight distance is not a critical determinant of design, the minimum length of curve shall generally be three (3) times the design speed in miles per hour.

Sec. 35-A204. Grade.

(a) Street and alley grades shall conform to the terrain and shall not exceed the following:

Table IV.

Street and Alley Grades as Designated by State Department of
Highways and Public Transportation

<u>Street Classification</u>	<u>Maximum Grade</u>
Primary arterial	5%
Secondary arterial	5%
Collector street	7%
Local street	10%
Marginal access street	10%
Alley	10%

(b) No street or alley grade shall be less than three-tenths of one percent (0.003) unless otherwise specified by the director of public works.

Sec. 35-A205. Horizontal Curvature.

(a) Horizontal curvature shall be provided by simple circular curves with a constant radius for the safety and comfort of motorists. The following minimum radii shall be used in designating horizontal curves.

Table V.

Horizontal Curvature Designated by State Department of
Highways and Public Transportation

<u>Street Classification</u>	<u>Minimum Center Line Radius "R"</u>
Primary arterial	1200 ft.
Secondary arterial	700 ft.
Collector street	400 ft.
Local street	100 ft.
Marginal access street	150 ft.

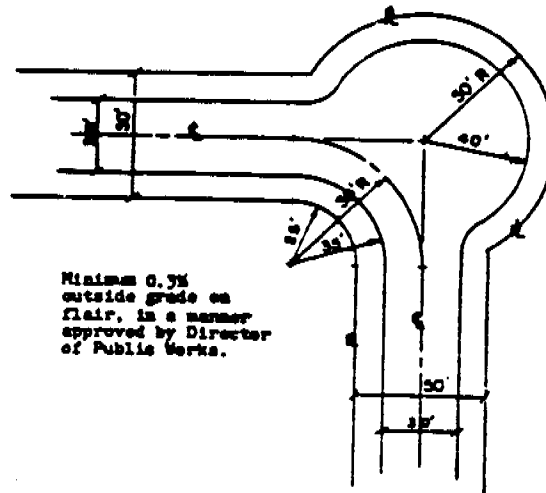
(b) "Broken-back" or compound curves shall not be permitted unless approved by the director of public works. Reverse curves may be used provided due consideration for safe sight distance has been shown.

(c) Transitional curves may be used where comfort and safety of the motorist will be enhanced.

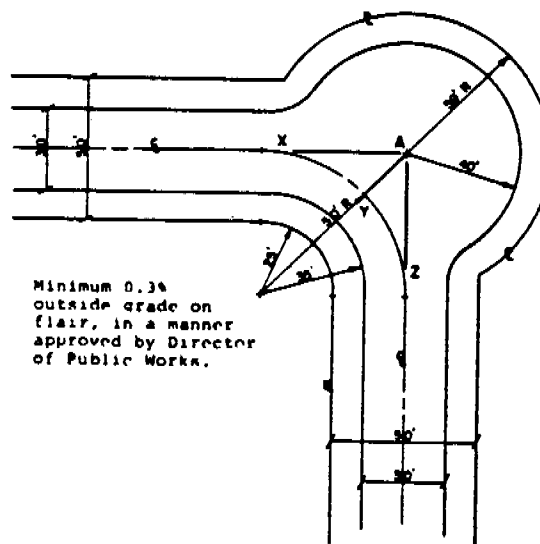
(d) Superelevation may be used on primary and secondary arterials only and with the approval of the director of public works.

(e) For local streets:

- (1) An alternative design may be used in lieu of the one-hundred foot center line radius: a fifty-foot center line radius with a fifty-foot radius flair as shown below:



- (2) The point of radius may be relocated along the lines indicated by letters on the figure below (lines AX, AY and AZ). The point of radius shall not exceed fifteen (15) feet from point A. The point of radius shall be shown on the plat. When the point of radius is shifted along the street center line (lines AX and AZ), a site plan detailing lot siting, driveway location and on-street parking considerations shall be submitted to the director of public works who will make a recommendation to the planning commission regarding the safety of the proposed flair.



Sec. 35-A206. Combination of curves.

Combination of horizontal and vertical curves shall be permitted provided sufficient sight distance is available for safe operation. Generally, the horizontal curvature should be introduced on the ungrade of the vertical curve.

Sec. 35-A207. Pavement and median transition.

(a) Where cross section changes occur, appropriate pavement transition shall be provided. Transition shall be described as a ratio of lateral transition width to transition length in feet. The following formulas shall be used in computing transition:

- (1) Local street to local street, local street to collector, collector to collector.

$$L = 20W$$

where: L = transition length in feet measured along the center line of the street.

W = transition width measured as the difference in pavement width from the center line to the pavement edge of the two (2) cross sections.

- (2) Arterial streets except freeways.

$$L = DW$$

where: L = transition length in feet measured along the center line of the street.

D = design speed of the particular street section as determined by the director of public works. Design speed shall be used as a constant.

W = transition width measured as the difference in pavement width from the center line to the pavement edge of the two (2) cross sections.

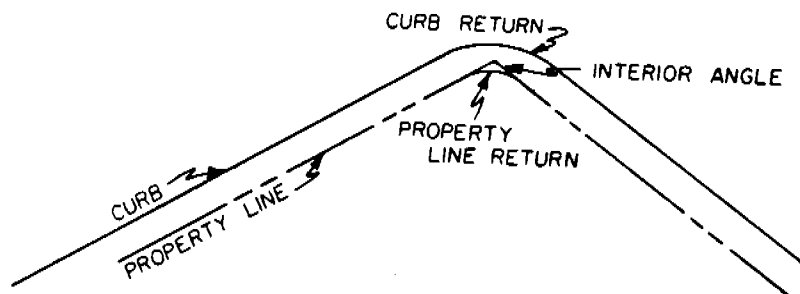
(b) Median or center dividers will also be transitioned. Median transition shall generally parallel the pavement transition to a point where the median width is four (4) feet at which point the median shall be rounded off with a two-foot radius. Median or divider transition shall be designed so that abrupt offsets are not created at intersections.

Sec. 35-A208. Property line and curb returns.

At each intersection the curb and the property line at each block corner shall be rounded with a radius, R, varying with the interior angle as specified in the following table:

Table VI.
Minimum Radii for Curb Returns (CR) and Property Line Returns (PLR)

Interior Angles in Degrees	Street Intersections									
	Two Locals		Local and Collector		Two Collectors		Local/Collector with Arterial		Two Arterials	
	CR	PLR	CR	PLR	CR	PLR	CR	PLR	CR	PLR
150---145	15	5	15	6	20	10	25	15	25	15
145---140	15	5	15	6	20	10	25	15	20	10
140---135	15	5	15	6	20	10	25	15	30	20
135---125	15	5	15	6	20	10	25	15	35	25
125---85	15	5	15	6	20	10	25	15	30	25
85---75	20	10	20	11	25	15	30	20	50	40
75---65	25	15	25	16	30	20	35	25	80	70
65---55	30	20	30	21	35	25	40	30	90	80
55---45	35	25	35	26	40	30	45	35	110	100
45---00	35	25	35	26	40	30	45	35	150	140



Sec. 35-A209. Medians

(a) Openings. Medians shall be continuous. Openings in the median may be provided at all public streets provided the center line spacing between the public streets is at least four hundred (400) feet. If the spacing is less than four hundred (400) feet, the median shall be open for the street with the higher functional classification. All other openings shall be made in accordance with current standards of the director of public works. When medians are open, safety bays and median radii shall be provided and curbed unless approved otherwise by the director of public works.

(b) Special purpose medians. Dividers constructed for aesthetic purposes as entrances for subdivisions shall be permitted (see Figure XI). Such dividers shall normally be fourteen (14) feet in width. The divider shall maintain the full width for a minimum twenty-five (25) feet after which an appropriate transition shall be provided in accordance with section 35-A207. The twenty-five (25) feet shall be measured from the edge of pavement of the ultimate width of the intersecting roadway. The nose or rounded portion of the divider shall be placed two (2) feet off the edge of the traveled roadway of the intersecting street unless the turning radius of vehicular traffic indicates other modifications to the median nose are required.

(c) Landscaping and signing. No signs, walls or fences shall be placed in the median area other than approved traffic-control devices unless approved by the director of public works. No trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance (See Figure XIA). With the approval of the director of public works, trees, shrubs and ground cover may be placed in the median and divider area provided the full grown tree or shrub trunk diameter does not exceed four (4) inches. Such landscaping shall be in accordance with current design standards of the director of parks and recreation. In addition appropriate maintenance agreements shall be made with the director of parks and recreation.

(d) Where a median or traffic divider projects across sidewalks, the median (concrete or sod) shall be opened for five (5) feet at the projection of the crosswalk. This five (5) foot opening shall be paved to the grade of the existing surface to permit wheelchair and mobility impaired persons to utilize the crosswalk.

Sec. 35-A210. Wheelchair ramps.

Wheelchair ramps shall be designed and constructed in accordance with the details in Figure XII.

Sec. A211. Cross-section standards.

(a) Standard cross sections. The subdivider shall develop the streets for the subdivision in accordance with the minimum standards detailed in Figures I through III.

(b) Pavement structure. The minimum thickness of the compacted base and the minimum rate of application of asphalt surface course shall be in accordance with details shown typical cross-sections and details of Figures I through III.

(c) Curb and gutter. Concrete curbs or monolithic curbs and gutters constructed in accordance with the details shown on Figure V shall be provided where indicated on the typical cross sections of Figures I, II and III.

(d) Medians and dividers. Medians and dividers having curbs shall be constructed in accordance with the approved cross section according to the plans and to the lines and grades established by the director of public works. Where divider strips on primary and secondary streets are constructed without curbs, they shall be graded to a slope of one-quarter (0.25) inch per foot from the center of the divider strip to a point seven (7) inches from above the edge of pavement and from that point to edge of pavement.

(e) Parkways. Parkway slopes are to be one-quarter (0.25) inch per foot toward the street except in heavy cuts, where a maximum of one (1) inch per foot will be permitted. Landscaping, walls or fences placed in the parkway for aesthetic purposes shall not obstruct sight distance. Plans for such work shall be approved by the directors of public works and parks and recreation.

Division 3. Sanitary sewers

Sec. 35-A301. Design criteria

The minimum size of lateral sewer mains shall be eight (8) inches in diameter and all house connections in streets or alleys must be six (6) inches in diameter. The minimum grades permitted shall be sufficient to produce a velocity of two (2) feet per second. All outfall mains shall be of sufficient size to serve the maximum anticipated flow from all areas tributary to this line and must conform with sanitary sewer master plan recommendations on file in the office of the director of environmental management.

Sec. 35-A302. Sewer systems.

The following criteria shall be used in formulas for the design of sewer systems:

Table VII
Flow from Contributing Population in Gallons per Day per Person

Type of Residential Area	Peak contribution	Average daily flow
Middle income, new construction	240	156
Middle income, old construction	152	115
Low to middle income, old construction	198	128
Low income	111	72
Middle income, apartment	180	117
Low to middle income, apartment	152	99

Table VIII
Infiltration in Gallons per Day per Acre

Source of Infiltration	Amount of infiltration
Residential area, level to 7% land slope	700
Residential area, 7% to 15% land slope	500
Totally undeveloped areas	360
High water table, creek beds, lake areas	1450
Business and industrial areas	1000

Sec. 35-A303. Federal and state approval.

Sewer treatment plants and sewer systems outside the city limits but within the extraterritorial jurisdiction of the city must conform to the requirements of the Texas Department of Health and the Texas Water Commission. The developer shall provide written statements showing approval by the applicable state agencies prior to plat approval. The developer shall also provide written statements of approval from

applicable federal agencies accompanied by plans approved by all applicable agencies prior to construction.

Sec. 35-A304. Sewer lines.

(a) Sewers shall be located in the center line of streets and four (4) feet from the north or east lines in alleys or as otherwise approved.

(b) All sewer lines shall be placed to line and grade as directed by the director of environmental management.

Sec. 35-A305. Manholes.

(a) Manholes shall be placed at all deflections and intercept and terminating points on the public system and spaced not more than four hundred (400) feet apart.

(b) Manholes shall be provided at intersecting streets or alleys where there is a possibility of future extensions.

(c) Manholes shall be provided where required by the director of environmental management.

Sec. 35-A306. Construction over the Edwards Aquifer.

For subdivisions constructed over Edwards and associated limestone formations, all construction shall meet the herein referenced city specifications and the latest revision of the Texas Administrative Code, 31 TAC 313.1-313.11.

Division 4. Storm drainage

Sec. 35-A401. Design criteria

(a) Method of computing runoff. The basis of computing runoff shall be the rational formula or some other method provided it is acceptable to the director of public works.

(b) Run off calculations. Run off rates shall be computed at not less than the following:

Table IX
Average Runoff Percentage

Character of Area	Slope			
	Up to 1%	Over 1% Up to 3%	Over 3% Up to 5%	Flow Over 5%
Business or commercial areas (90% or more impervious)	95	96	97	97
Densely developed areas (80% to 90% impervious)	85	88	91	95
Closely built residential areas and school sites	75	77	80	84
Undeveloped areas	68	70	72	75
Average residential areas	65	67	69	72

(c) In all cases, wet antecedent conditions shall be assumed. Runoff rates shall be computed on the basis of ultimate development of the entire watershed to the proposed subdivision. For determination of time for concentration, times shall be figured on the basis that there shall be an improved drainage system upstream from the point under consideration.

(d) Street velocities may be approximated according to proposed slopes from Figure IX, Storm Drainage, Street Velocities and Capacities Flowing Curb Full. Rainfall intensities shall be obtained from Figure X.

Sec. 35-A402. Streets.

(a) Streets may be used for storm water drainage only if the calculated storm water flow does not exceed the flows outlined in Figure IX or the velocity does not exceed ten (10) feet per second. Local streets shall be designed on a basis of a five (5) year frequency, all other streets on a ten (10) year frequency. Where streets are not capable of carrying storm waters as outlined above, drainage channels or storm sewers shall be provided. Street width shall not be widened beyond the width as determined by the street classification for drainage purposes.

(b) Where storm sewers are required, design shall be based on a twenty-five (25) year frequency, and the entire twenty-five (25) year discharge shall be picked up at the point where the street can no longer handle the runoff flowing curb full. No allowance shall be made for overruns or partial street flows combined with storm sewer

flows at initial pickup point. Inlets and underground systems shall be designed on a twenty-five (25) year frequency; street discharges, after initial pickup, may be based upon street classification for frequency required.

Sec. 35-A403. Concrete lined channels.

(a) The design of concrete lined channels shall be based on a twenty-five (25) year frequency. The design is subject to the approval of the director of public works and shall comply with the following general requirements:

Table X
Drainage freeboard for concrete lined and earth channels.

Design depth of flow	Required freeboard
0 to 5 feet	0.05 foot
5 to 10 feet	10% of design depth
10 feet and over	1.0 foot

(b) From the top of the concrete lining to the top of the ditch, a side slope not steeper than two (2) horizontal to one (1) vertical shall be required; nor shall the slope be less than twelve (12) to one (1).

(c) For normal conditions, the concrete lining shall be a minimum of four (4) inches thick and reinforced with No. 3 round bars placed not more than eighteen (18) inches on center in both directions. Where surcharge, nature of ground, height and steepness of slope, etc. become critical, design shall be in accordance with latest structural standards. All concrete lining shall develop a minimum compressive strength of not less than two thousand five hundred (2,500) pounds per square inch in twenty-eight (28) days.

(d) Maximum concrete riprap side slopes shall be one to one, unless actual soils test data submitted by soils engineer shows steeper, special design is allowable. A minimum of two hundred (200) pounds per square foot surcharge shall be used.

(e) Vertical walls will be permissible in depth not to exceed two (2) feet unless properly fenced or enclosed.

(f) Easements or rights-of-way for concrete lined channels shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel. "Extreme limits" of the channel shall mean the side slope intercept with the natural ground or proposed finished ground elevation.

(g) A minimum N value of roughness coefficient of 0.015 shall be used for a wood float type surface finish. This N value is as used in Manning's formula.

Sec. 35-A404. Earth channels.

The design of earth channels shall be based on a twenty-five (25) year frequency subject to the approval of the director of public works, and shall comply with the following general specifications:

- (a) The depth of the earth channel shall be for the design depth of the flow plus the required freeboard as specified in Sec. 35-A403(a).
- (b) The side slope shall not be steeper than three (3) horizon to one (1) vertical.
- (c) Easements or rights-of-way for earth channels shall extend a minimum of two (2) feet on one side and fifteen (15) feet for an access road on the opposite side of the extreme limits of the channels when such channels do not parallel and adjoin an alley or roadway. When such channels do parallel and adjoin an alley or roadway, the easement or right-of-way shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel. Where utilities are installed in the access road of the drainage right-of-way, the right-of-way shall extend two (2) feet on one (1) side and seventeen (17) feet on the opposite side of the design limits of the channel. These seventeen (17) feet are to provide an access way along the channel with a maximum cross slope of one-half (0.5) inch per foot toward the channel.
- (d) The N value of roughness coefficient as used in Manning's formula shall be 0.035 for earth channels.

Sec. 35-A405. Velocity control.

- (a) The following velocity chart shall be used for scour protection and to determine the type of drain which shall be used. Concrete lined channels may also be used at velocities less than eight (8) feet per second if so desired by the engineer.

Table XI
Velocity Control

Velocity	Type Drain Required
1 to 6 fps	Earth
6 to 8 fps	Concrete retards required
8 fps and over	Concrete lining or drop structures required

- (b) Where velocities are in the supercritical range, allowance shall be made in the design for the proper handling of the water. For a suggested method of computing retard spacing, see division 5, Drainage Supplement, of this exhibit.

Sec. 35-A406. Channel bends and turns.

- (a) Allowance for extra freeboard shall be made wherever design conditions require it, see division 5, Drainage Supplement, of this exhibit.

Sec. 35-A407. Storm sewers.

(a) Storm sewers shall be designed on a twenty-five (25) year frequency and shall be subject to the approval of the director of public works. For N values, see division 5, Drainage Supplement, of this exhibit.

(b) For all ordinary conditions, storm sewers shall be designed on the assumption that they will flow full under the design discharge; however, whenever the system is placed under a pressure head, or there are construction, turns, submerged or inadequate outfall, etc., the hydraulic grade line shall be computed and plotted in profile. In all cases adequate outlets shall be provided and the system adequately designed. No storm sewers shall be less than twenty-four (24) inches in diameter.

Sec. 35-408. Alleys.

Alleys may be designed on a five (5) year frequency to carry storm water.

Sec. 35-A409. All weather crossings.

All-weather crossings shall be required. Where a street crosses the Leon Creek and its tributaries, the San Antonio River, Salado Creek, San Pedro Creek, Martinez, Creek, Apache Creek, Olmos Creek, or Alazan Creek, such all-weather crossing designs shall be based on a one-hundred (100) year frequency as approved by the director of public works. All other crossings shall be based on a twenty-five (25) year frequency storm. All crossings, culverts and bridges shall be designed for an H-20-44 or H-20 31k-44 loading.

Sec. 35-A410. Inlets and openings.

Drop curb openings, drop inlets, curb opening inlets shall be in accordance with Division 5, Drainage Supplement, of this exhibit.

Division 5. Drainage Supplement

Sec. 35-A501. Method of computing retard spacing.

The following formula is acceptable for design of retard spacing, when using city standard retard section:

$$L = \frac{1.0'}{S_1 - S_2}$$

Where: L = distance required between retards in feet.
S₁ = actual slope of channel in ft./ft.
S₂ = slope of proposed channel for velocity of 6 fps in ft/ft, i.e.:

$$S_2 = \frac{(NV)^2}{(1.486R^{2/3})^2}$$

Where: V = 6 fps
N = .035
R = area/wetted perimeter

Sec. 35-A502. Method of computing for extra freeboard on the outside portion of channel bend.

(a) Where sharp bends or high velocities are involved, the following formula is acceptable for computing the extra freeboard:

$$d_2 - d_1 = \frac{V^2 (T + B)}{2gR}$$

Where: d₁ = depth of flow at the inside of the bend in feet.
d₂ = depth of flow at the outside of the bend in feet.
B = bottom width of the channel in feet.
V = the average approach velocity in the channel in feet per second.
T = width of flow at the water surface in feet.
g = 32.2 feet/second squared.
R = the center line radius of the turn or bend in feet.

(b) The quantity d₂ - d₁ divided by 2 shall be added to the normal depth of flow before adding the required freeboard in calculating required right-of-way widths.

(c) Where sharp turns are used without curved sections, the depth required shall be large enough to provide for all head losses. Allowance shall be made for any backwater head that may result.

(d) For normal design conditions no extra freeboard is required. An accepted rule of thumb to follow is this: center line radius of channel should be at least three (3) times the bottom width.

(e) The N value to be used in Manning's Formula shall conform to the following for design purposes:

Earth channels -- 0.035
 Concrete lined channels -- 0.015
 Reinforced concrete pipe -- 0.013
 Concrete box culverts -- 0.013
 Corrugated metal pipe:
 Unpaved 1/2" corrugated -- 0.024
 Unpaved 1" corrugated -- 0.027

(f) Any other N value shall be subject to approval of the director of public works.

Sec. 35-A503. Drop curb openings.

(a) where drop curb openings are used to take storm water off the streets and into drains, the length of the curb opening can be calculated from the weir formula using the coefficient of 3.807 in the following formula:

$$L = \frac{Q}{Cn^{3/2}}$$

where: L = the length of drop curb openings required in feet.

Q = amount of flow in cfs based on a 25-year design frequency.

C = 3.807

n = head of weir in feet.

(b) Gutter line depressions will be permitted where such depressions will not hamper the flow of traffic. For amount of curb exposure, conform to City of San Antonio Inlet Standards.

Sec. 35-A504. Drop inlets.

(a) where drop inlets are use, the city standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the director of public works. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on street grades, deflections, cross slopes, depressions, etc.

(b) Grate inlets.

(1) The flow of water through grate openings may be treated as the flow of water through a rectangular orifice. The following formula may be used for determining grate capacity:

$$Q = CA (2gh)^{1/2}$$

Where:

Q = discharge in cubic feet per second.

C = orifice coefficient of discharge (taken as 0.70).

g = acceleration due to gravity (32.2 ft./sec.²)

h = head on the grate in feet.

A = net area of the openings in the grate in square feet.

(2) This formula gives the theoretical capacity of the grate inlet. Since grate inlets are subject to considerable clogging, capacity of the grate inlet will be taken as one-half on the value given by this formula.

(c) Curb opening inlets.

- (1) The capacity of curb opening inlets will depend on whether or not the opening is running partially full or submerged. If the depth of flow at the curb opening inlet is such as to cause a partially full opening, a weir effect will develop and the following formula will apply:

$$Q = C_w L (h)^{3/2}$$

Where: Q = the discharge of capacity in cubic feet per second.

C_w = the weir coefficient of discharge (3.087).

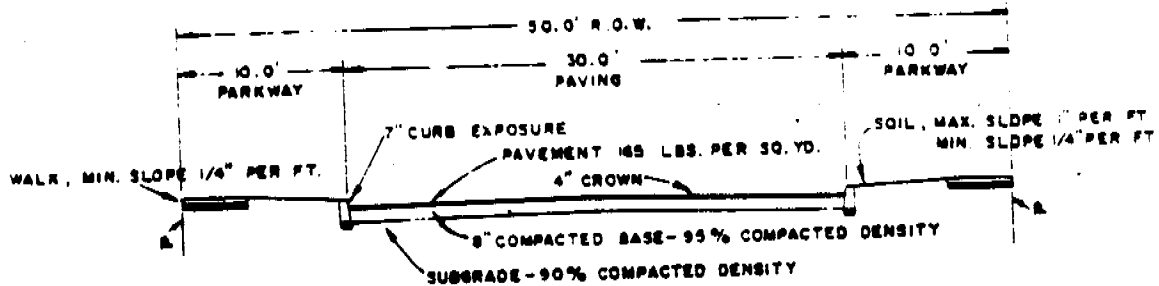
L = the length of curb opening in feet.

h = the head or depth of water at the opening in feet.

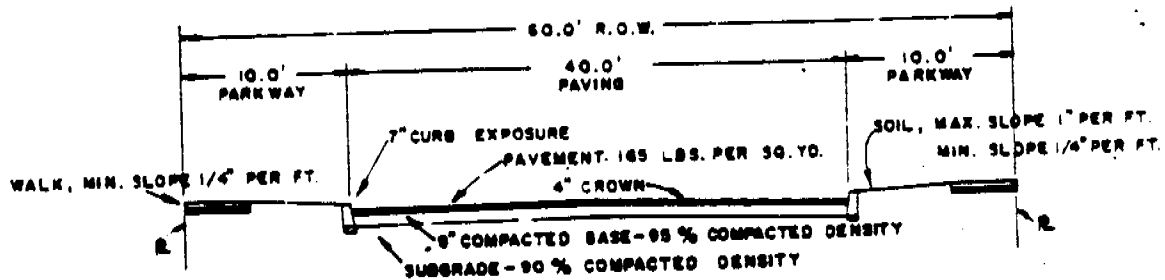
- (2) If the depth of flow at the curb opening is such as to fully submerge the opening, the orifice effect will develop and the formula used shall be identical to that given under grate inlets with the exception that the head, h , on the curb opening orifice shall be taken as the depth from the top of the water surface to the center of orifice or opening; one hundred (100) percent efficiency will be allowed for curb opening inlets.

STANDARD STREET CROSS SECTIONS

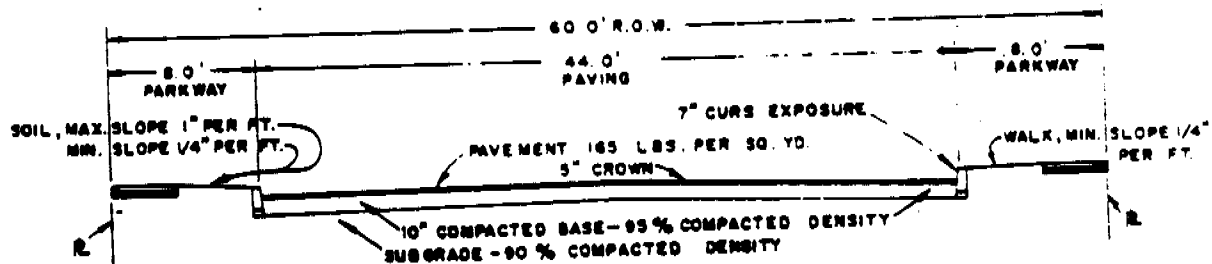
LOCAL TYPE "A" STREET



LOCAL TYPE "B" STREET



COLLECTOR STREET

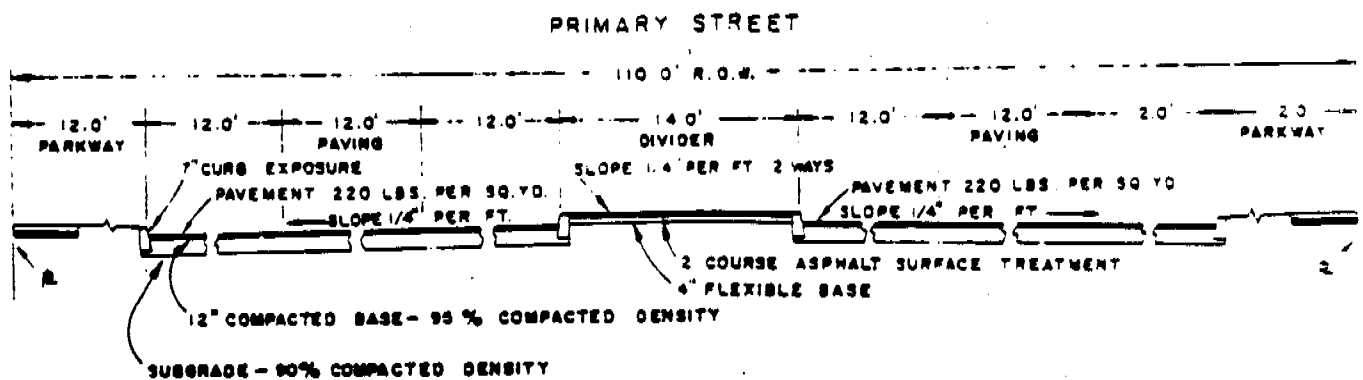
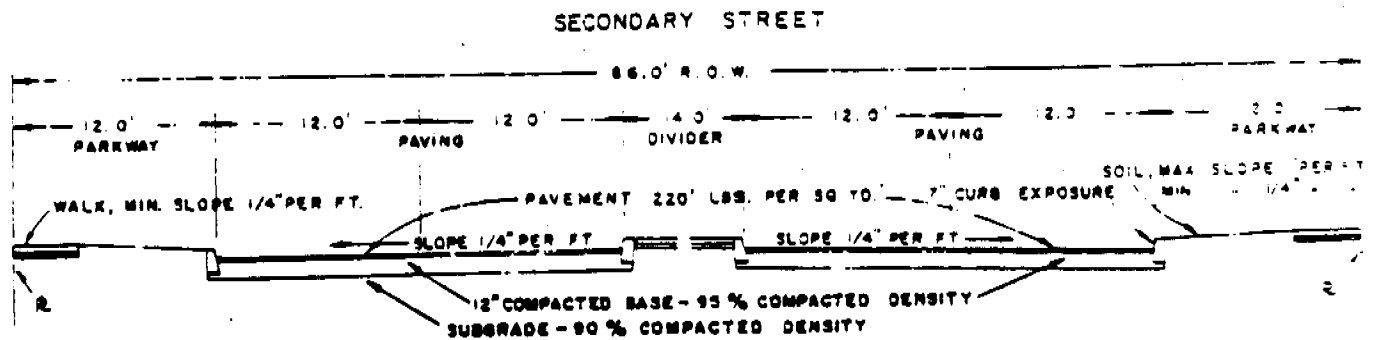


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ENGINEERING DIVISION
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FIGURE I

SHEET 1 OF 2

STANDARD STREET CROSS SECTIONS



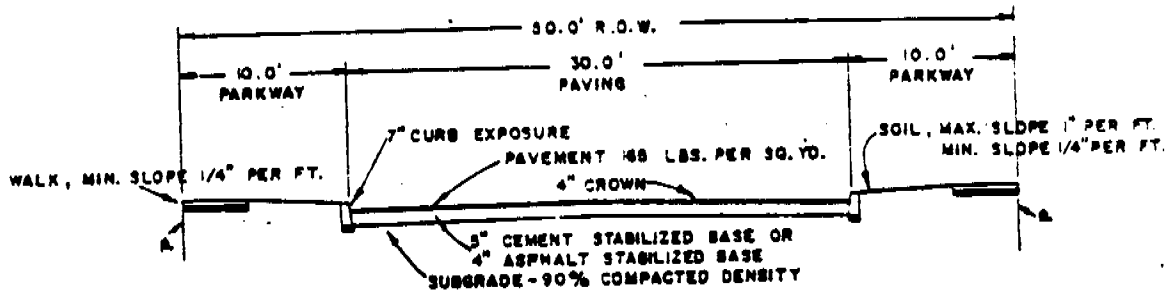
DEPT. OF PUBLIC WORKS
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REVISED AUGUST 1973

FIGURE 1

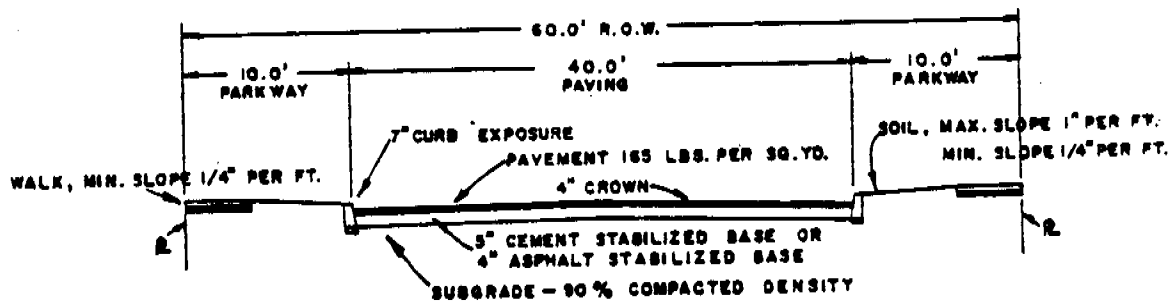
SHEET 2 OF 2

STANDARD STREET CROSS SECTIONS (OPTIONAL DESIGN)

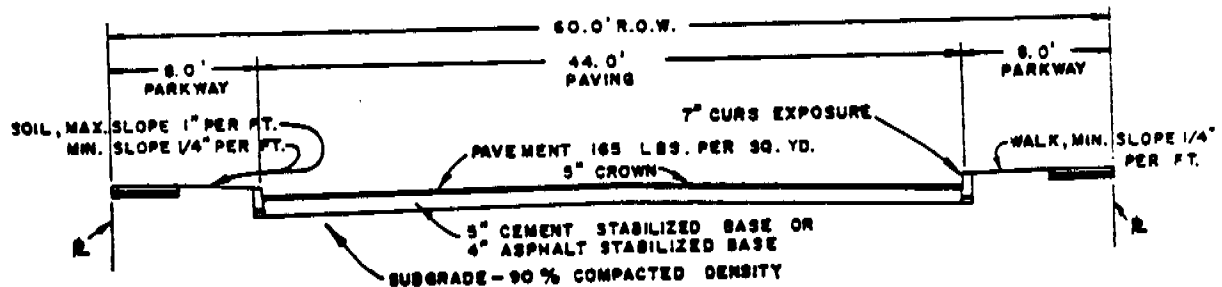
LOCAL TYPE "A" STREET



LOCAL TYPE "B" STREET



COLLECTOR STREET



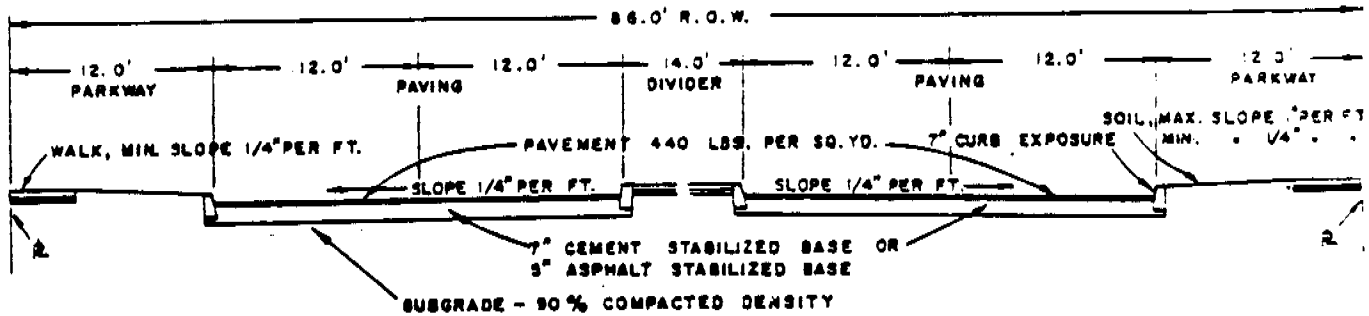
DEPT. OF PUBLIC WORKS
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REVISED AUGUST 1973

FIGURE 1A

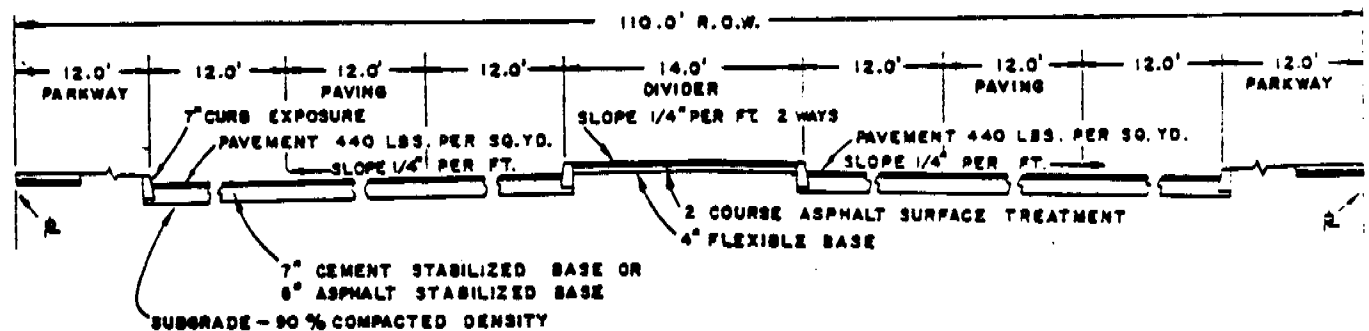
SHEET 1 OF 2

STANDARD STREET CROSS SECTIONS (OPTIONAL DESIGN)

SECONDARY STREET



PRIMARY STREET

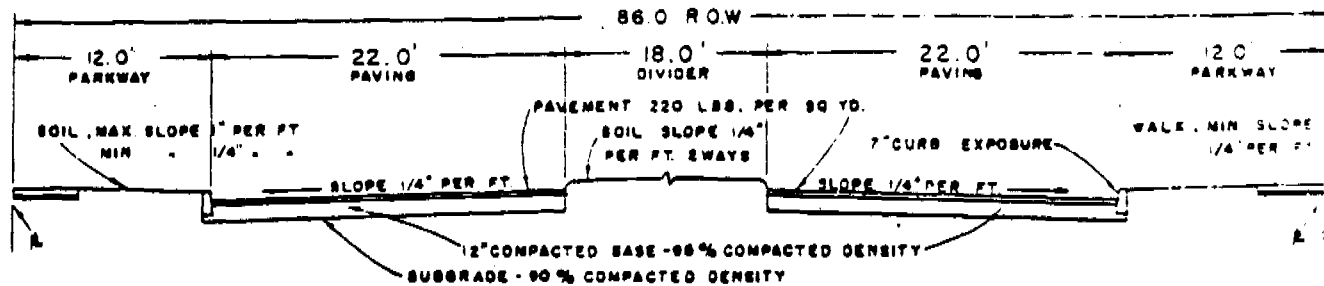


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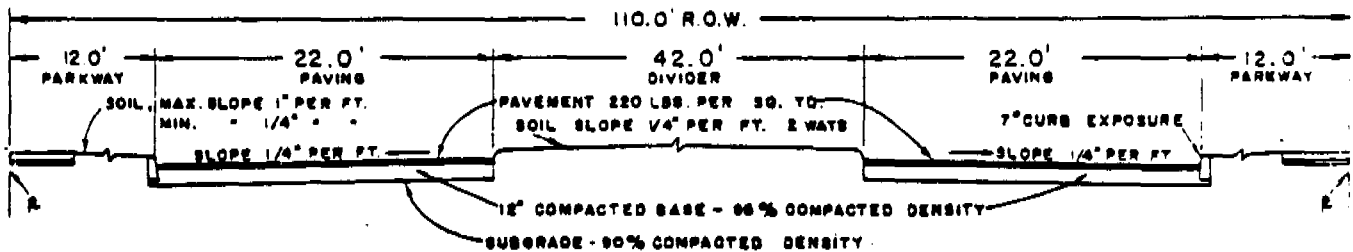
FIGURE 1A

SHEET 2 OF 2

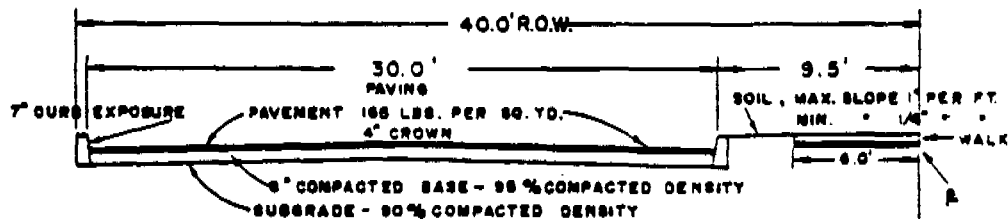
MINIMUM STREET CROSS SECTIONS **REQUIRED BY SUBDIVIDER** **SECONDARY STREET**



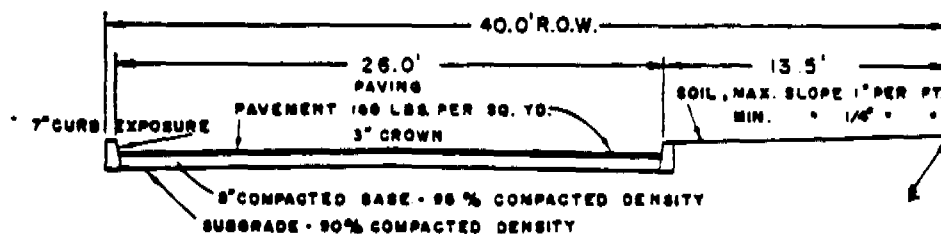
PRIMARY STREET



MARGINAL COMMERCIAL ACCESS STREETS



MARGINAL RESIDENTIAL ACCESS STREETS



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 ENGINEERING DIVISION
 REVISED AUGUST 1973

FIGURE II

STANDARD CROSS SECTIONS

ALLEYS - OTHER THAN SINGLE-FAMILY RESIDENTIAL

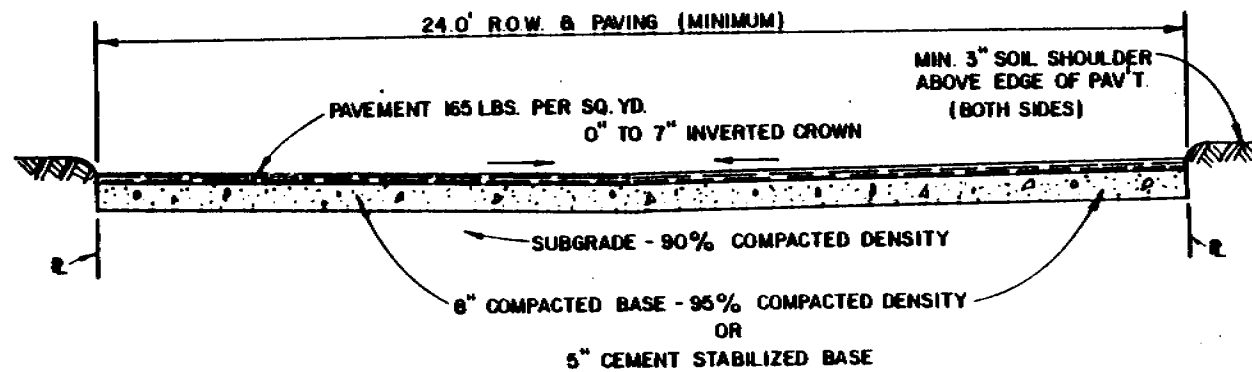


FIGURE III

ALLEYS-SINGLE-FAMILY RESIDENTIAL

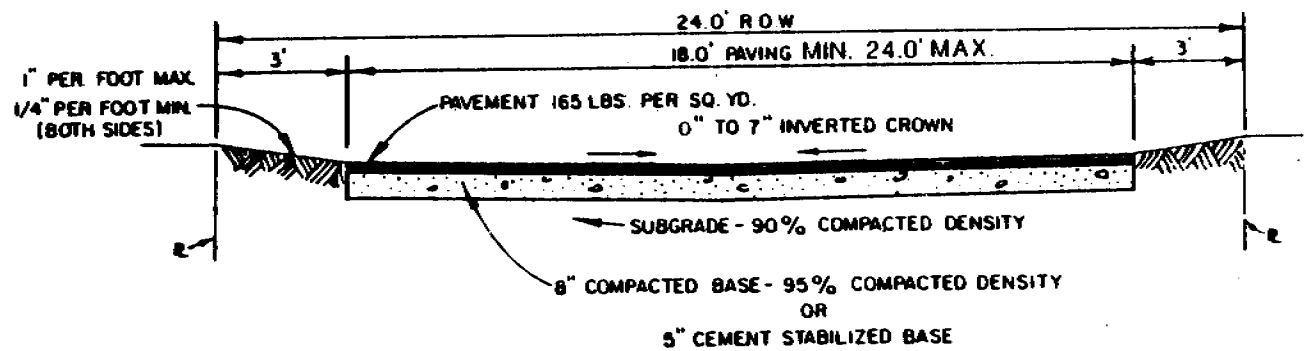
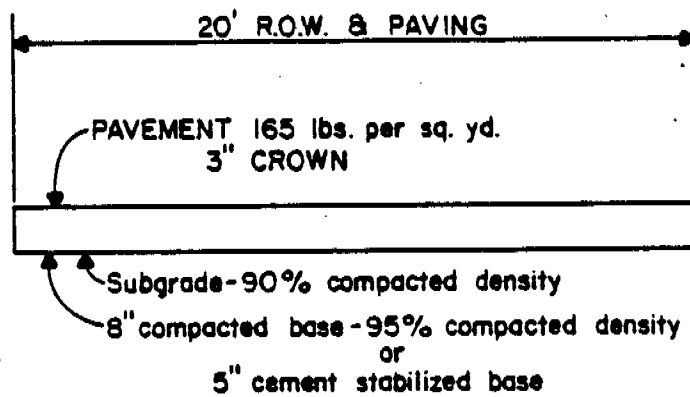


FIGURE IIIA

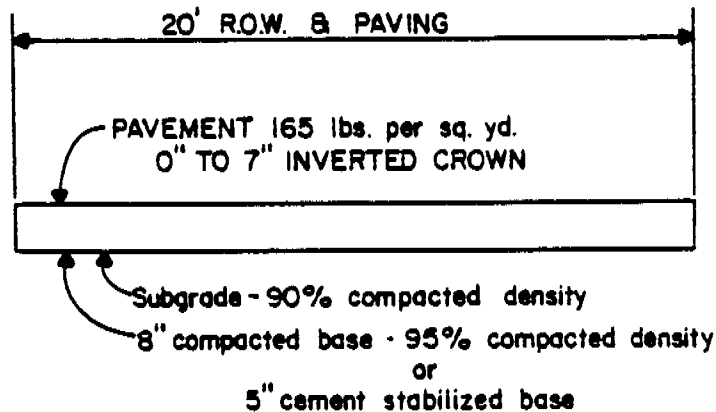
(Ord. No. 55117, § 23, 3-25-82; Ord. No. 56608, §§ 6, 7, 2-24-83)

SAFETY LANES

STANDARD CROWN

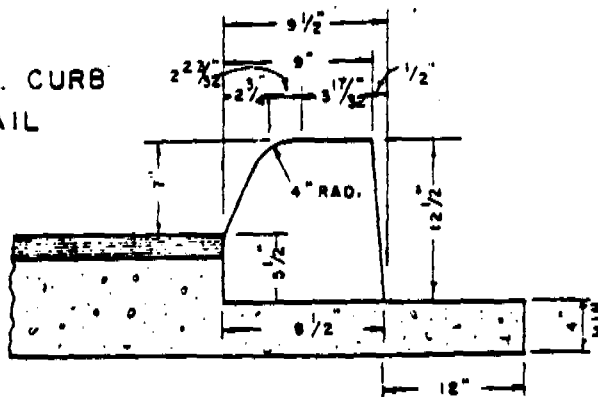


INVERTED CROWN

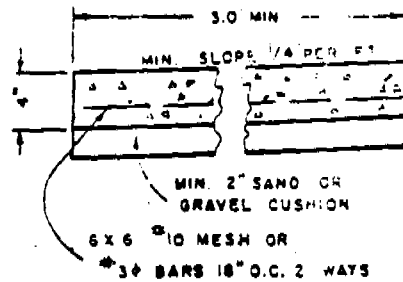


(Ord. No. 57800, § 1, 10-27-83)

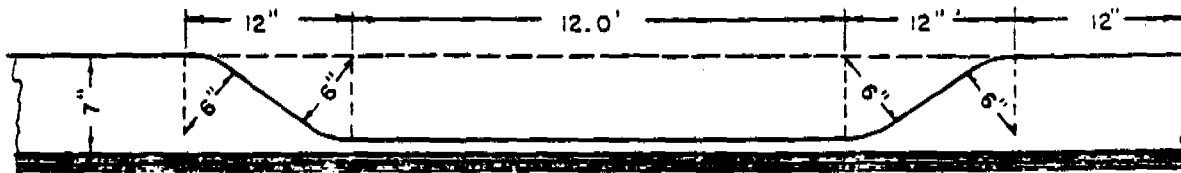
STANDARD CURB
DETAIL



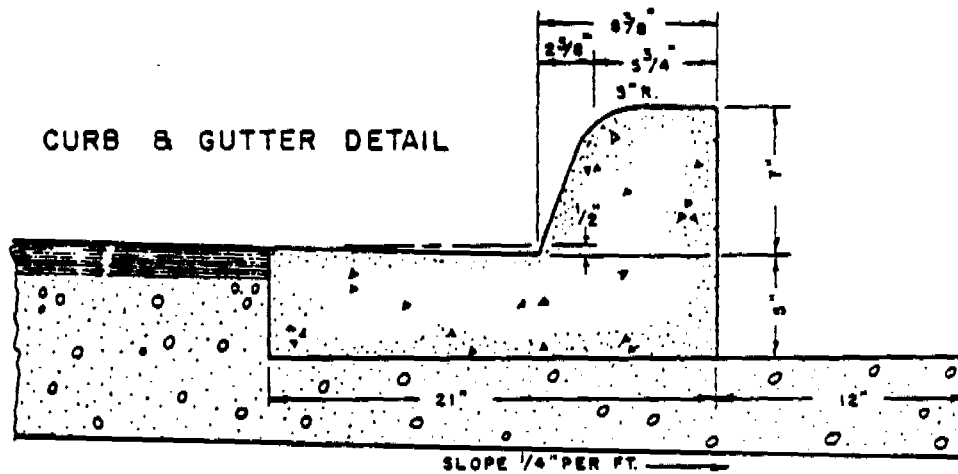
TYPICAL SIDEWALK DETAIL



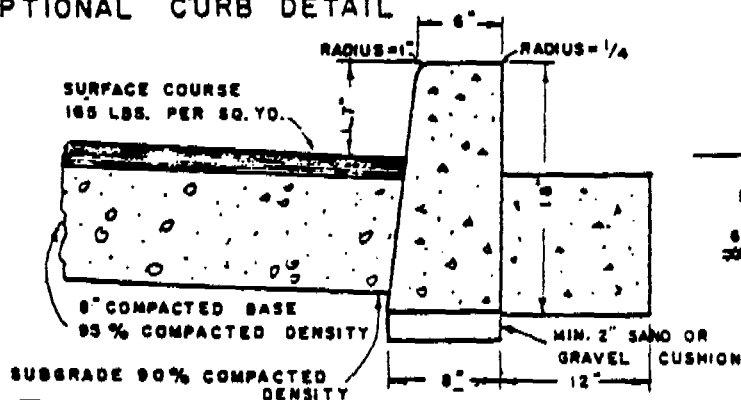
DRIVEWAYS



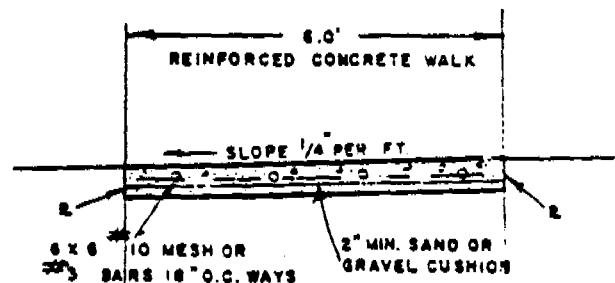
CURB & GUTTER DETAIL



OPTIONAL CURB DETAIL



CROSS WALK - WAYS

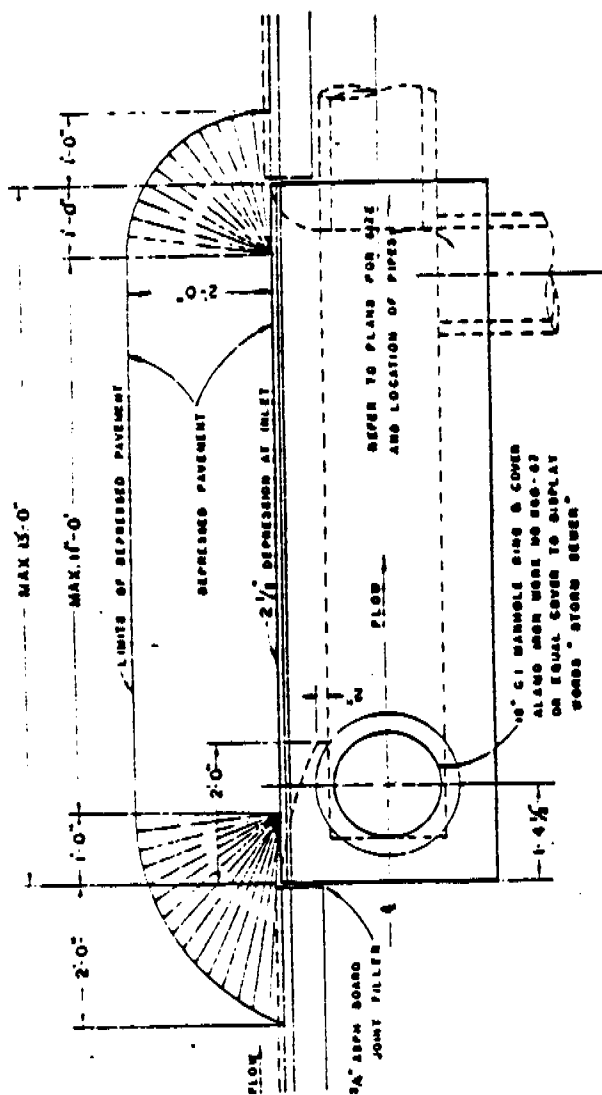


DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

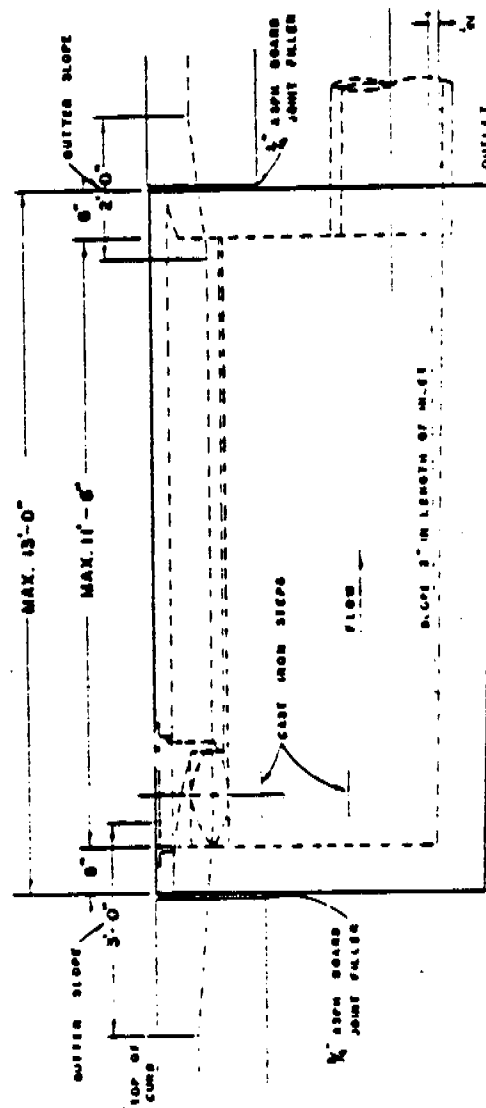
REVISED FEB. 1974

FIGURE V



PLAN

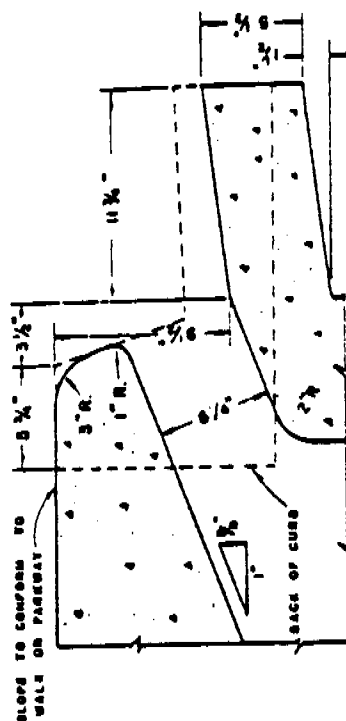
CAPACITY 2.1 C.F.S. PER FT. OF
OPENING LENGTH



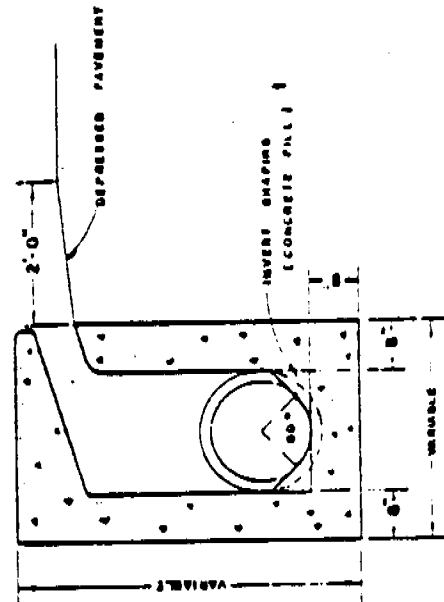
ELEVATION



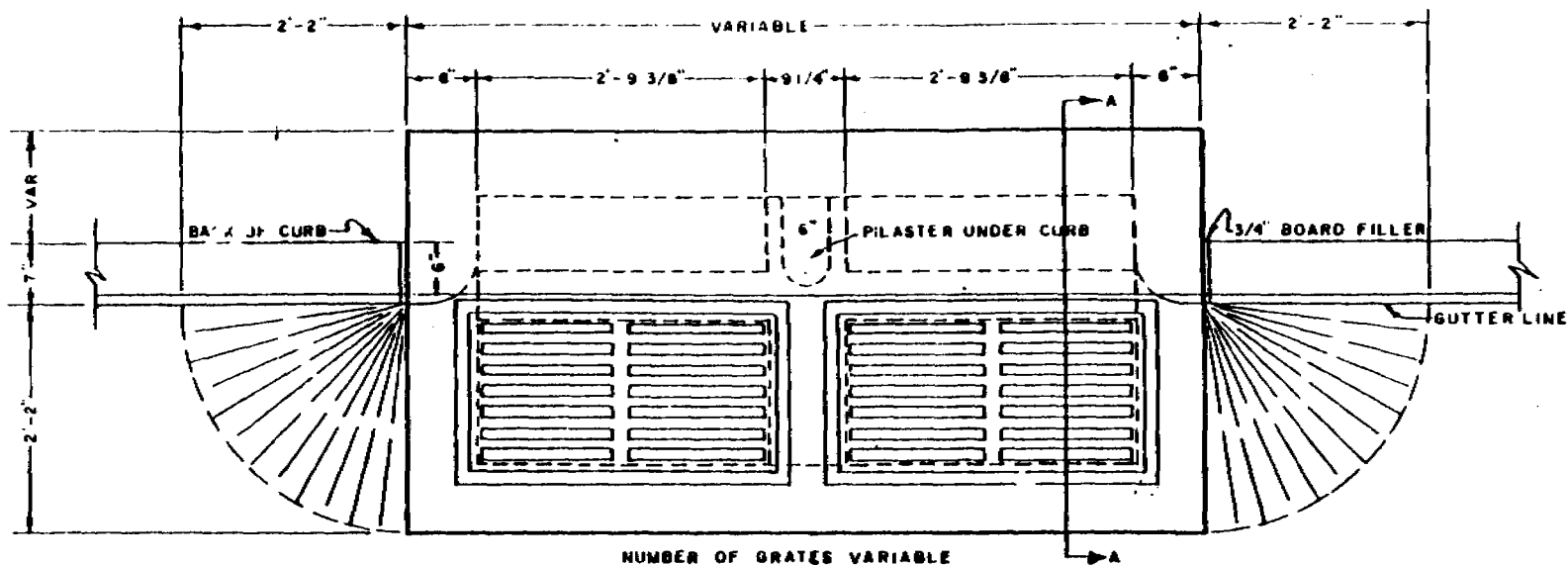
OPENING DETAIL FOR CURB SECTION



OPENING DETAIL FOR CURB & GUTTER SECTION

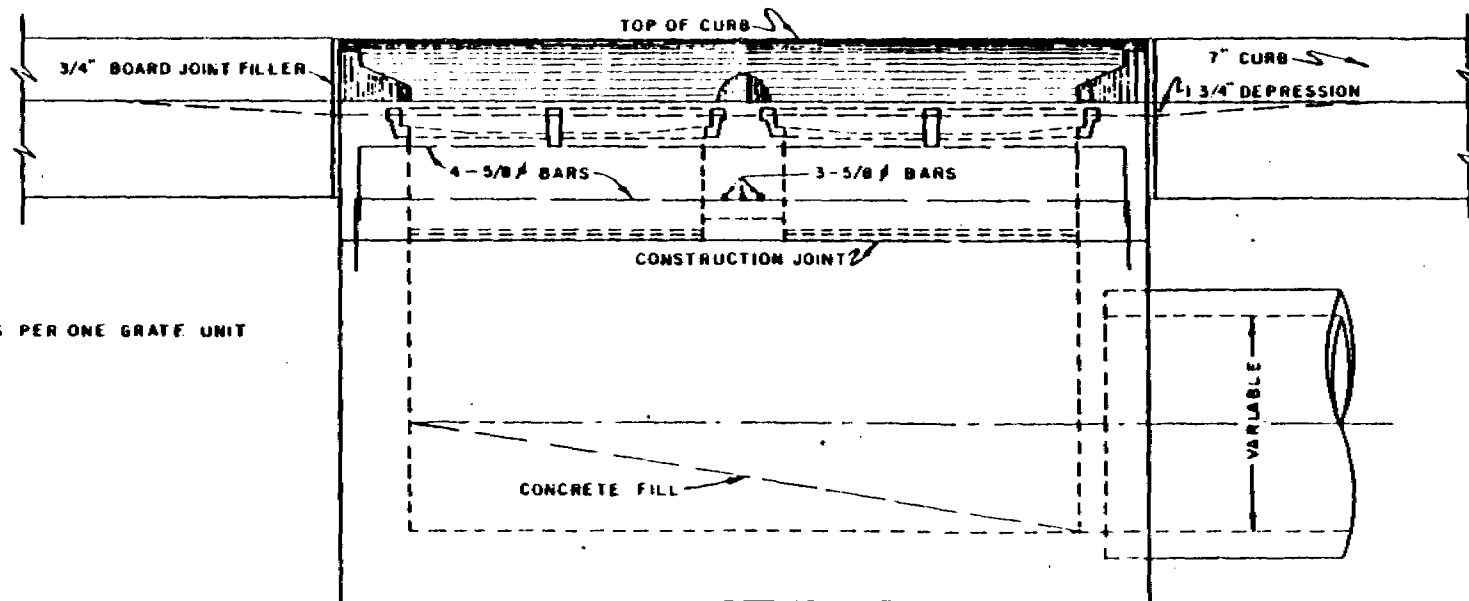


TRANSVERSE SECTION



PLAN

TYPE "B" REINFORCED CONCRETE STORM SEWER INLET

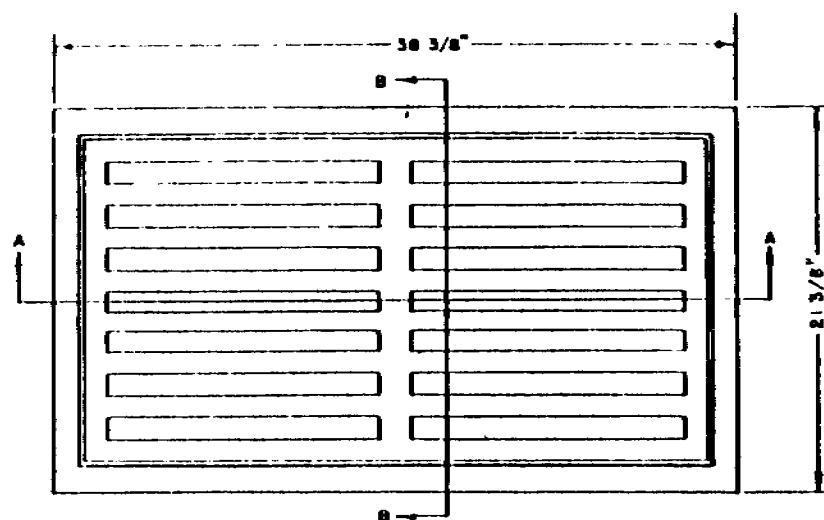


ELEVATION

CAPACITY 90 CFS PER ONE GRATE UNIT

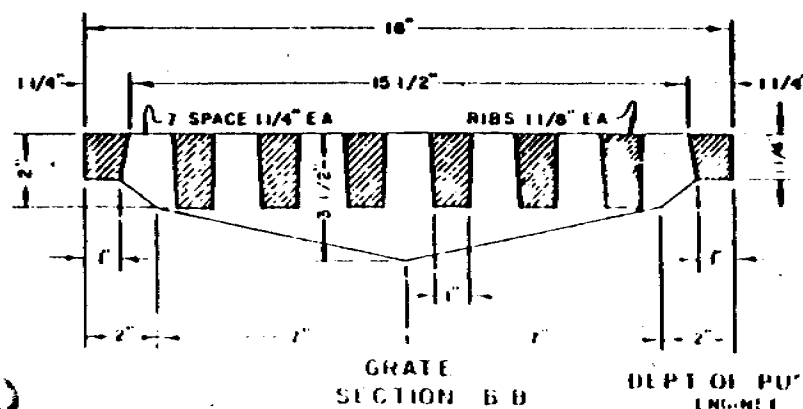
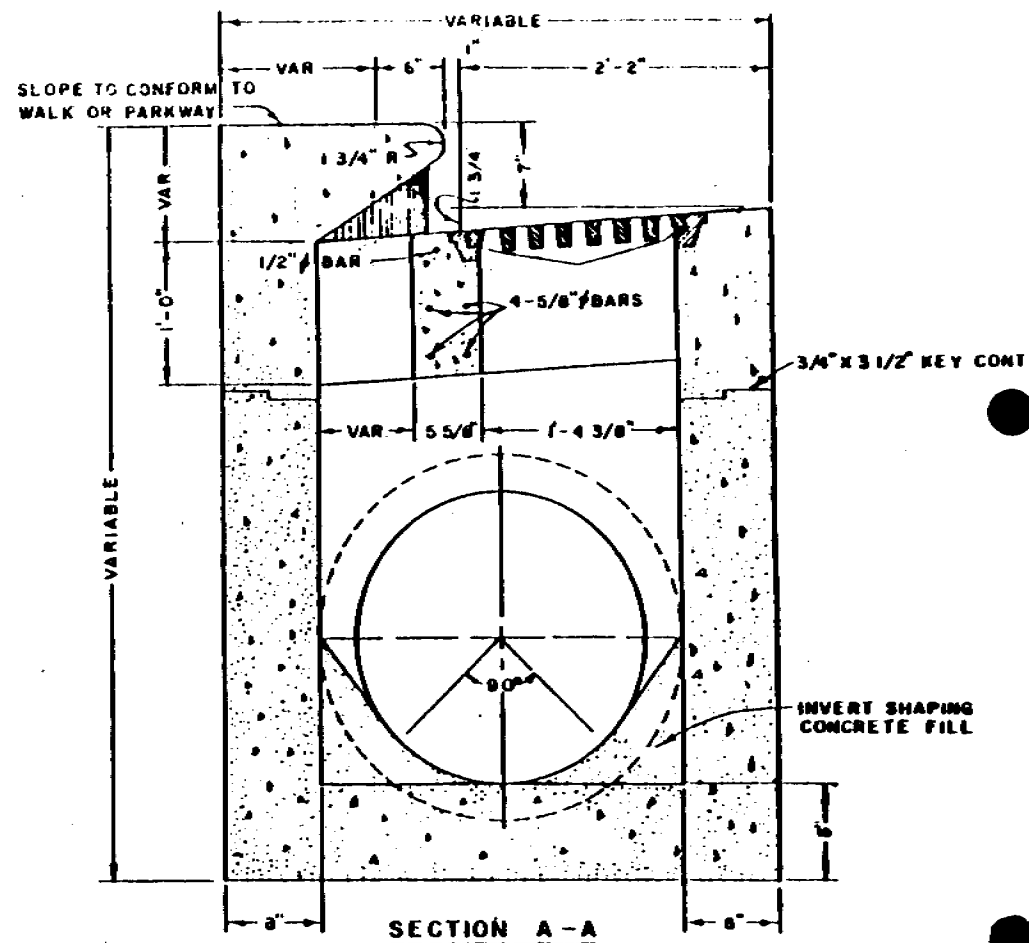
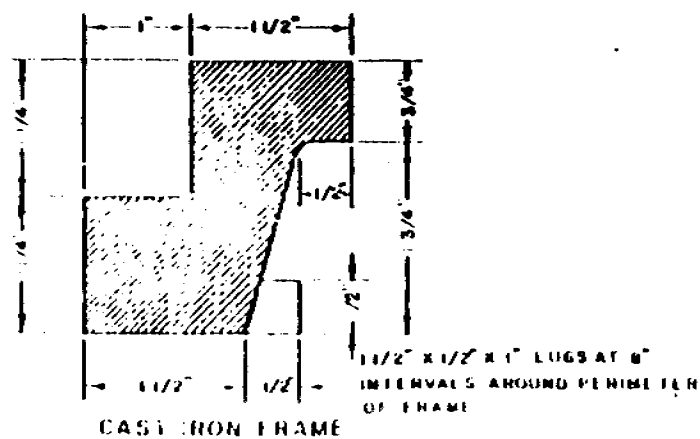
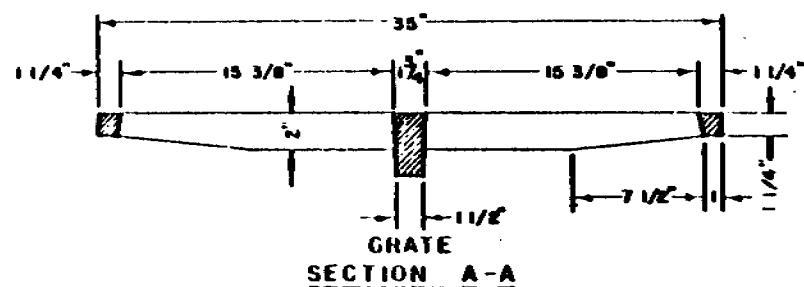
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ENGINEERING DIVISION
FEBRUARY 1, 1956

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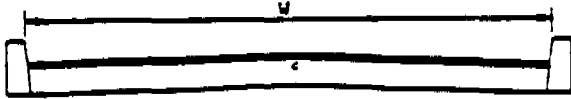
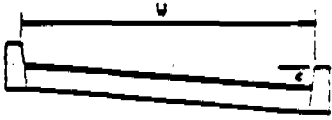
GRATE PLAN

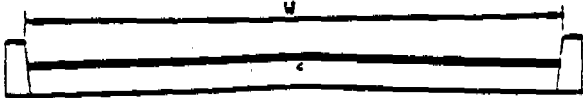
ALAMO IRON WORKS NO. 847-04
OR EQUAL



DEPT OF PUBLIC WORKS
ENGINEER CIV
FEBRUARY 1954

Figure IX
Storm Drainage.
 Street velocities and capacities
 Flowing curb full
 Manning's N=0.018

										
	LOCAL TYPE "A" STREET		LOCAL TYPE "B" STREET		COLLECTOR STREET		SECONDARY STREET-1 SIDE		PRIMARY STREET-1 SIDE	
	W=30'		W=40'		W=44'		W=24'			
Slope %	c=4' wp=31.16 A=12.45 r=.40		c=4' wp=41.17 A=16.67 r=.406		c=6' wp=45.17 A=16.50 r=.365		c=6' wp=24.66 A=7.92 r=.32		c=9' wp=28.52 A=8.12 r=.28	
	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs
0.10	1.42	17.68	1.43	23.81	1.33	22.01	1.22	9.66	1.12	9.09
0.15	1.74	21.66	1.74	29.17	1.63	26.96	1.50	11.88	1.37	11.12
0.20	2.00	24.90	2.02	33.68	1.89	31.13	1.73	13.70	1.58	12.83
0.25	2.24	27.89	2.26	37.66	2.11	34.80	1.93	15.29	1.77	14.37
0.30	2.46	30.63	2.47	41.25	2.31	38.13	2.12	16.79	1.94	15.75
0.35	2.65	32.99	2.67	44.56	2.50	41.18	2.29	18.14	2.09	16.97
0.40	2.84	35.36	2.86	47.64	2.67	44.02	2.44	19.32	2.24	18.19
0.45	3.01	37.47	3.03	50.53	2.83	46.69	2.59	20.51	2.37	19.24
0.50	3.17	39.47	3.19	53.26	2.98	49.22	2.73	21.62	2.50	20.30
0.55	3.32	41.33	3.36	55.86	3.13	51.62	2.87	22.73	2.62	21.27
0.60	3.47	43.20	3.50	58.34	3.27	53.92	2.99	23.68	2.74	22.25
0.65	3.61	44.94	3.64	60.72	3.40	56.12	3.12	24.71	2.86	23.14
0.70	3.75	46.62	3.78	63.02	3.53	58.24	3.23	25.58	2.96	24.04
0.75	3.88	48.31	3.91	65.23	3.65	60.28	3.35	26.53	3.06	24.85
0.80	4.01	49.92	4.04	67.37	3.77	62.26	3.46	27.40	3.16	25.66
0.85	4.13	51.42	4.17	69.44	3.89	64.17	3.56	28.20	3.26	26.47
0.90	4.25	52.91	4.29	71.45	4.00	66.03	3.67	29.07	3.36	27.20
0.95	4.37	54.41	4.40	73.41	4.11	67.84	3.77	29.86	3.44	27.93
1.00	4.48	55.78	4.52	75.31	4.22	69.61	3.86	30.57	3.53	28.66
1.50	5.49	68.35	5.53	92.25	5.17	85.25	4.73	37.46	4.33	35.16
2.00	6.34	78.93	6.39	106.52	5.97	98.44	5.46	43.24	5.00	40.60
2.50	7.09	88.27	7.14	119.09	6.67	110.06	6.11	48.39	5.59	45.39

										
	LOCAL TYPE "A" STREET		LOCAL TYPE "B" STREET		COLLECTOR STREET		SECONDARY STREET-1 SIDE		PRIMARY STREET-1 SIDE	
	W=30'		W=40'		W=44'		W=24'			
Slope %	c=4" wp=31.16 A=12.45 r=.40		c=4" wp=41.17 A=16.87 r=.405		c=6" wp=45.17 A=16.50 r=.365		c=6" wp=24.66 A=7.92 r=.32		c=9" wp=28.52 A=8.12 r=.28	
	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs	V f/s	O cfs
3.00	7.76	96.61	7.83	130.46	7.31	120.56	6.69	52.98	6.12	49.58
3.50	8.39	104.46	8.45	140.91	7.89	130.22	7.23	57.26	6.61	53.67
4.00	8.97	111.68	9.04	150.64	8.44	139.21	7.73	61.22	7.07	57.41
4.50	9.51	118.40	9.58	159.78	8.96	147.66	8.20	64.94	7.50	60.90
5.00	10.02	124.75	10.10	168.42	9.43	155.65	8.64	68.43	7.90	64.15
5.50	10.51	130.85	10.60	176.64	9.89	163.24	9.06	71.76	8.29	67.31
6.00	10.98	136.70	11.07	184.49	10.33	170.50	9.46	74.92	8.65	70.24
6.50	11.43	143.30	11.52	192.03	10.76	177.46	9.85	78.01	9.01	73.16
7.00	11.86	147.66	11.95	199.28	11.16	184.16	10.22	80.94	9.35	75.92
7.50	12.28	152.89	12.37	206.27	11.55	190.63	10.58	83.79	9.68	78.60
8.00	12.68	157.85	12.78	213.04	11.93	196.88	10.93	86.57	9.99	81.12
8.50	13.07	162.72	13.17	219.59	12.30	202.94	11.28	89.18	10.30	83.64
9.00	13.45	167.45	13.55	225.96	12.66	208.82	11.59	91.79	10.60	86.07
9.50	13.82	172.06	13.93	232.15	13.00	214.54	11.91	94.33	10.89	88.43
10.00	14.18	176.54	14.29	238.18	13.34	220.12	12.22	96.78	11.17	90.70

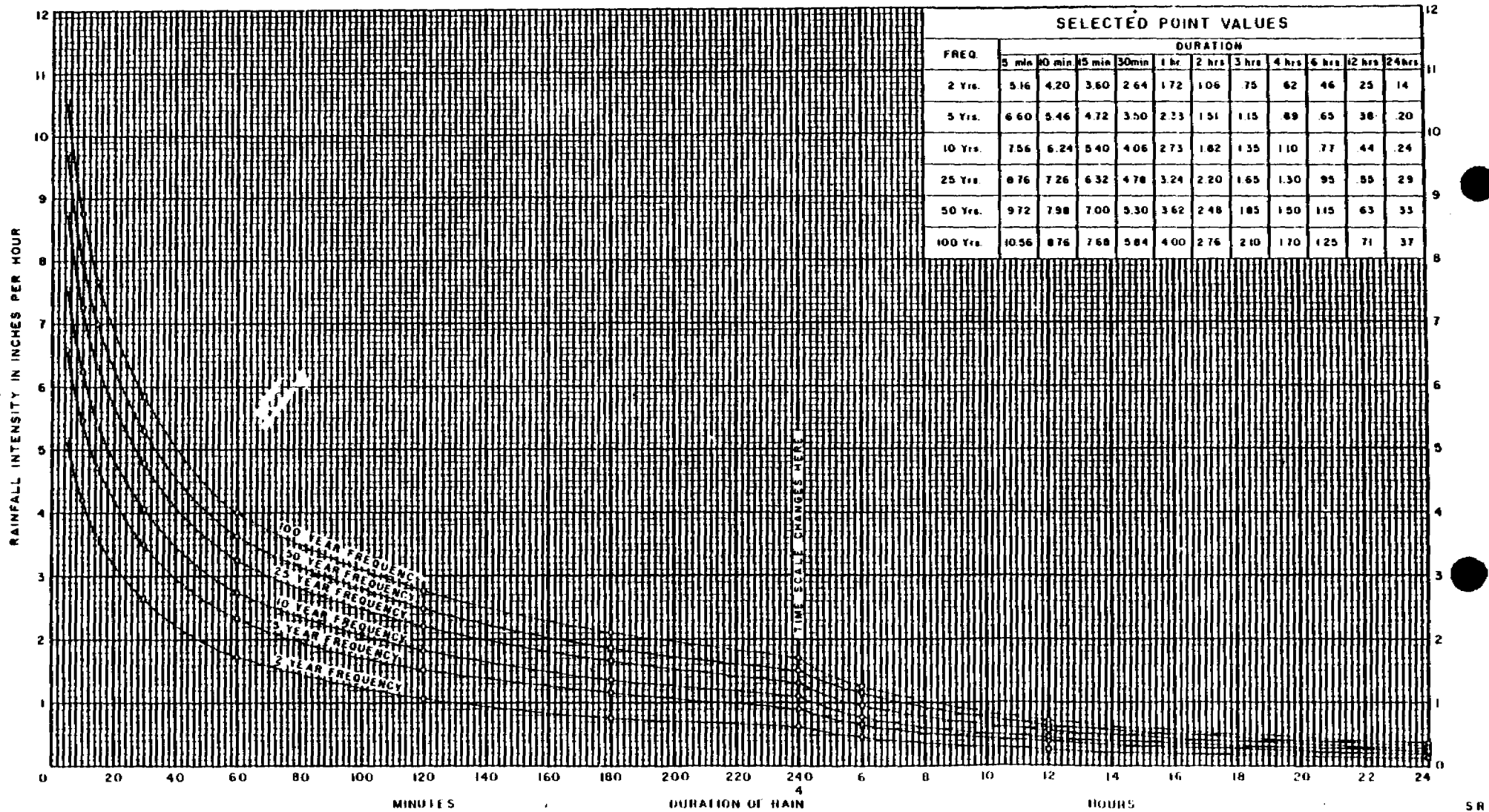
RAINFALL INTENSITIES FOR SAN ANTONIO, BEXAR COUNTY, TEXAS

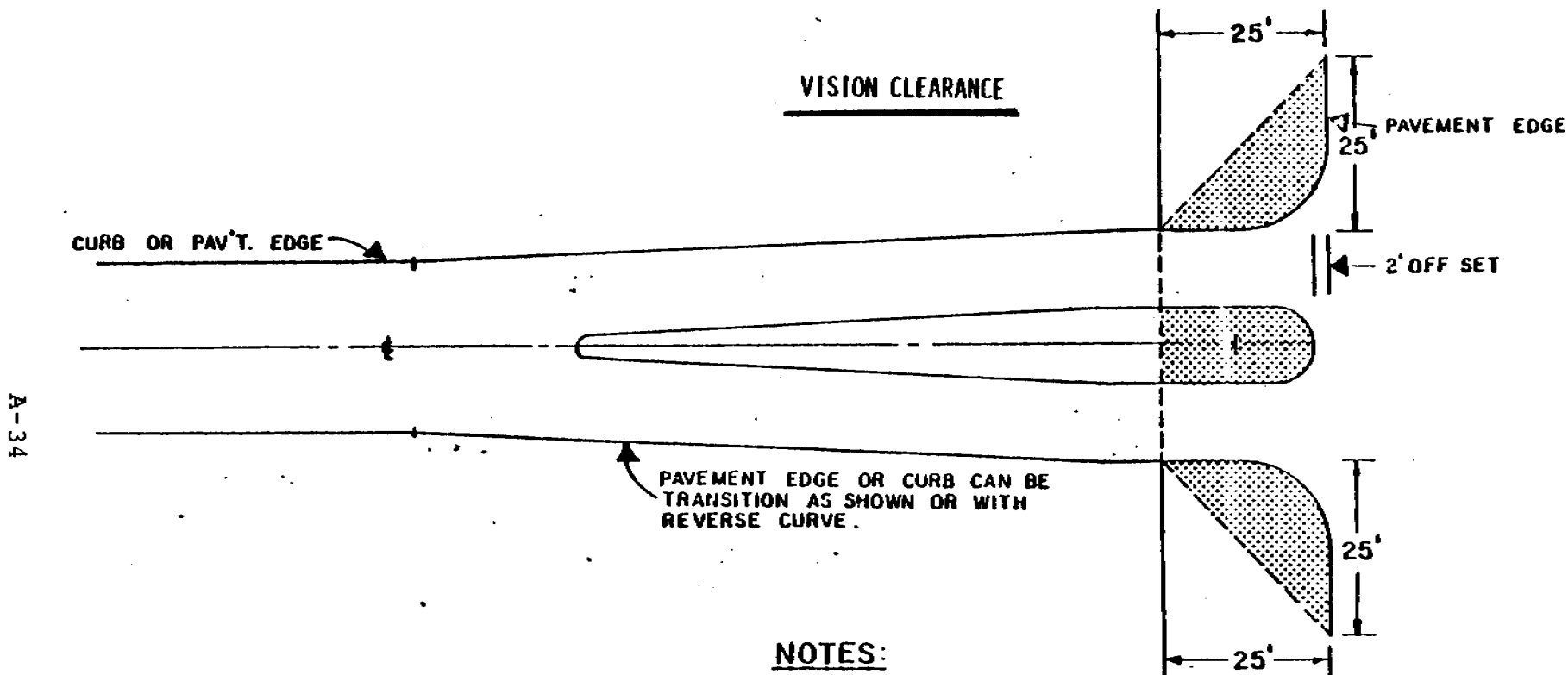
FOR VARIOUS FREQUENCIES AND DURATIONS

DEDUCED FROM THE RAINFALL RECORDS OF THE NATIONAL WEATHER SERVICE

PREPARED BY ROBERT B. HAHN, P.E., DRAINAGE ENGINEER

CITY OF SAN ANTONIO, TEXAS FEBRUARY, 1973





NOTES:

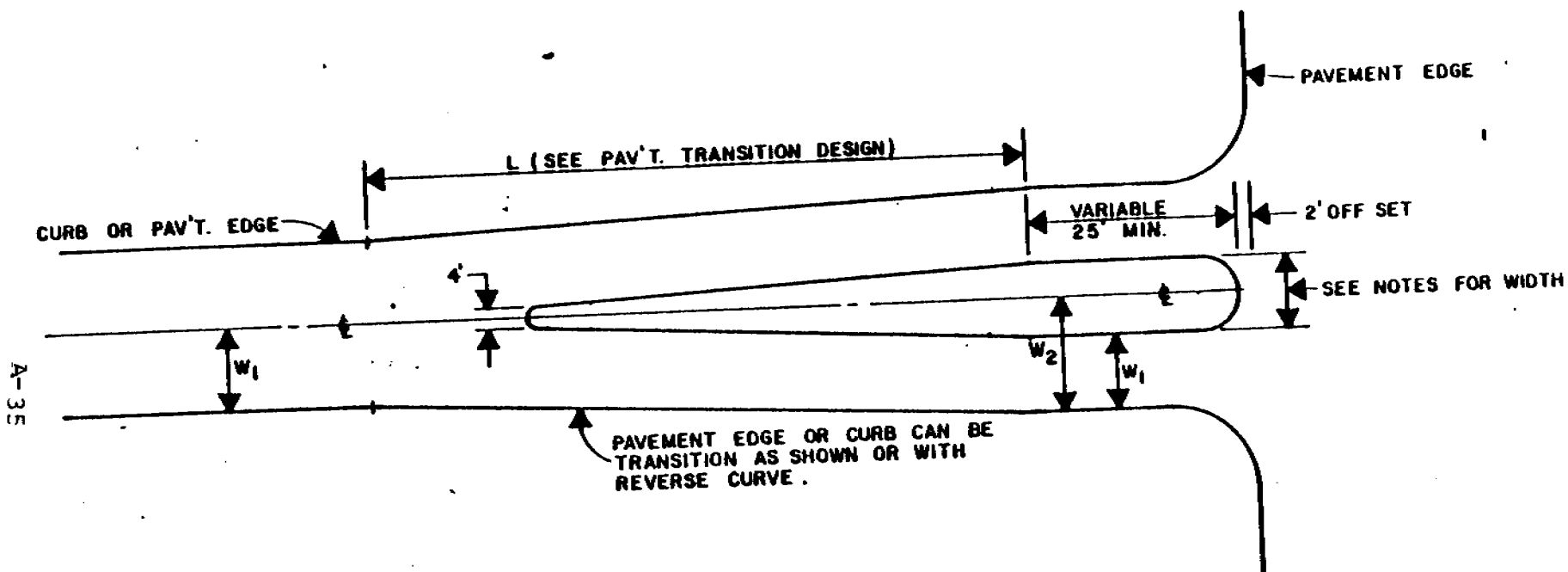
- (I) NO WALL, STRUCTURE OR FENCE SHALL BE PLACED IN SHADED AREA WHICH OBSTRUCTS VISION. THAT EXCEEDS 3.75 FEET IN HEIGHT.



CROSS SECTION

FIGURE XI

TYPICAL INTERSECTION DIVIDER



NOTES:

1. MEDIAN WIDTH SHALL NORMALLY BE 14'.
2. MEDIAN WIDTHS OTHER THAN 14' SHALL BE APPROVED BY DIRECTOR OF TRAFFIC AND TRANSPORTATION.
3. DIVIDER SHALL BE CONSTRUCTED WITH THE MATERIALS AS SPECIFIED BY THE DIRECTOR OF PUBLIC WORKS.

FIGURE XI

EXHIBIT B

FORMS

Sec. 35-B101. General.

All declarations, agreements, bonds, releases and other instruments required by the City of San Antonio shall be substantially in the same form as the particular instruments set out in this exhibit.

Sec. 35-B201. Form A. Declaration for Electrical Service

State of Texas X
 X
County of _____X

The undersigned, in order to obtain electrical service from City Public Service of San Antonio for a certain tract or parcel of land hereinafter described, makes the following declarations, to wit:

1. I am the owner of a tract of land recorded in Volume _____, Page _____, deed records, _____ County, Texas, more particularly described as:
2. The tract of land is situated outside the corporate limits of the City of San Antonio, Texas, but within its extraterritorial jurisdiction having a minimum of fifty (50) feet of frontage on a dedicated public street.
3. The tract of land is not part of a subdivision which has been previously platted.
4. The owner of the tract or parcel of land acted in good faith in acquiring ownership and was not knowingly a participant in a scheme to evade the provisions of these regulations or the provisions of Vernon's Ann. Civ. St. art. 974a through the unlawful subdivision of land in a manner contrary to such provisions.
5. The owner of the tract or parcel of land agrees that any future subdivision of land into two (2) or more parts will be undertaken only in the manner prescribed by the subdivision regulations of the city.
6. The tract or parcel of land conforms to the standards established by the county commissioners court order entitled "Regulations and Licensing of Private Sewage Facilities in Bexar County," or by another appropriate county septic licensing authority, and the owner has obtained from the county department of public works, or from another county septic licensing authority, a private sewage facility construction permit and license.

7. The tract or parcel of land is or will be provided with a water supply either by:
- a. a utility operating under a certificate of convenience and necessity issued by the Texas Water Commission and meeting the requirements established by the Texas Department of Health, or
 - b. the installation and operation of a water well on the tract or parcel of land which is capable of supplying sufficient quantity of potable water to meet the needs of the owner and which conforms to standards established by competent authorities.
8. The electricity to be provided will serve only one (1) customer for a single-family residence on the aforesaid tract or parcel of land and for uses appurtenant to that structure, such as sheds, outbuildings, pumps, and outdoor lighting.
9. The owner will undertake to have a copy of this declaration, properly notarized, recorded in the office of the county clerk of _____ County, Texas.

DATE: _____

STATE OF TEXAS

COUNTY OF _____

Owner or Duly Authorized Agent

Address

Phone Number

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 19____.

Notary Public In And For
County, Texas

Type of Print Name of Notary Public

35-B202. Form B. Performance Agreement

Copy To: _____

Name

Address

City & Zip Code

I, _____ as _____, do hereby agree that if the proposed plat _____ (number and name) _____, filed by me is approved by the planning commission of the City of San Antonio, Texas, the director of planning of the city may retain the plat in his possession without recording same for a maximum period of three (3) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the City of San Antonio, or until I have filed with the city clerk of the City of San Antonio one of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval. The form of the guarantee of performance shall be as follows:

- (1) A performance bond, meeting the requirements set out in Chapter 35 of the City Code, and which will be substantially in the form set out in Exhibit B of Chapter 35, in an amount equal to the cost estimate, as approved by the director of public works, of the uncompleted and unaccepted site improvements.
- (2) A trust agreement, meeting the requirements set out in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to chapter 35, in an amount equal to the cost estimate, as approved by the director of public works, of the uncompleted and unaccepted site improvements.
- (3) Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the director of planning.
- (4) An irrevocable letter of credit, meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the director of public works, of the uncompleted and unaccepted site improvements.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as _____ or any part thereof, shall be liable to the City of San Antonio that all site improvements will be completed and, except for planned residential district bufferyards and public benefit features, accepted by the city within the time provided herein. However, should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally

by written certificate made by the director of public works. It is expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the director of public works at the end of each period of such delay.

I further fully understand and agree that, at the end of each one-year period until the expiration of three (3) years from the date of plat approval, the director of public works shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any existing performance guarantee. Should the director of public works conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the director of public works within thirty (30) days of the request for same, I understand and agree that the director of public works shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have a principal or subsidiary interest. Such a plat once it has been approved by the planning commission may be recorded only in the manner prescribed in section 35-4222(a) of Chapter 35 of the City Code.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the director of public works shall refuse to accept a performance guarantee, under any form, which is related to the plat of a subdivision in which I have a principal or subsidiary interest.

In any event, I agree that approval of the plat shall expire after three (3) years from date of approval unless I have either completed all site improvements and have had same accepted by the city or provided an appropriate performance guarantee.

Executed this _____ day of _____, 19____.

Subdivider _____

By: _____

Title: _____

State of Texas X
 X
County of Bexar X

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 19____.

Notary Public in and for
the State of Texas

Sec. 35-B203. Form C. Performance Bond

State of Texas X
 X
County of _____X

Known all men by these presents:

That we, _____, the undersigned subdivider as principal, and _____, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$ _____, for the payment of which will and truly to be made; we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

Whereas, the principal had petitioned the planning commission of the City of San Antonio for permission to develop a subdivision within the jurisdiction of the City of San Antonio which is shown on a subdivision plat (number and name) _____ and which is more particularly described as follows, to wit:

; and

Whereas, such subdivision plat was approved by the planning commission on _____; and

Whereas, the San Antonio subdivision regulations require that the site improvements set out below be completed by the subdivider in conformance with the standards established by such regulations within three (3) years from the date on which the plat was approved:

; and

Whereas, the aforesaid regulations require that an approved subdivision plat may not be filed for record in the office of the county clerk until such site improvements have been completed and have been accepted by the City of San Antonio, or until there is provided to the City of San Antonio a guarantee of performance that such site improvements will have been completed and will have been accepted by the city within three (3) years of the date on which the plat was approved; and

Whereas, the undersigned subdivider has elected to provide to the City of San Antonio such a guarantee of performance as a condition precedent to the filing of the plat of the subdivision hereinabove described for record in the office of the county clerk;

Now therefore, the condition of this obligation is such that if the principal shall, on or before the _____ day of _____, 19 _____, construct or cause to be constructed the abovementioned improvements in accordance with the

requirements of the City of San Antonio subdivision regulations, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

In testimony whereof, witness our hand and seal this _____ day of _____, 19____.

Subdivider and Principal

By: _____

Title: _____

By: _____
Attorney-in-Fact

Approved and accepted this _____ day of _____ 19____.

City of San Antonio

By: _____

Title: _____

Approved as to form: _____
City Attorney

(ATTACHMENT: Power of Attorney)

Sec. 35-B204. Form D. Trust Agreement

This agreement is between _____ subdivider,
_____ trustee, and the City of San Antonio.

Subdivider has deposited (or herewith deposits) subject to the order of subdivider and trustee jointly as provided in this agreement in the (name and location of bank, trust company or qualified escrow agent), Texas, the sum of \$ _____ for the purpose of constructing site improvements in _____ Subdivision, plat # _____, in _____ County, Texas for the benefit of the public represented by the City of San Antonio and more particularly described as follows:

Type of Site Improvement (Gas and electric lines not included)	Estimated Cost
Streets	\$ _____
Sidewalks	\$ _____
Alleys	\$ _____
Storm drainage	\$ _____
Sanitary Sewers	\$ _____
water	\$ _____
Other (specify)	\$ _____

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements, and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees shall provide the director of public works with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. The affidavit shall be submitted substantially in the following form:

Affidavit

State of Texas X
 X
County of Bexar X

Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared _____, who, being by me first duly sworn upon his oath deposes and says:

I, _____, subdivider of the _____, under date(s) of _____, 19____, withdrew the sum(s) of \$_____ from the trust account heretofore deposited with _____ trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to _____ subdivision as follows:

SUBDIVISIONS

<u>Site Improvement</u>	<u>Amount</u>	<u>Percentage of Completion</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, _____, 19____.

Notary Public in and for
The State of Texas

Until this affidavit is accomplished, no further withdrawals shall be made from the trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefor from the director of public works to do so.

Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.

Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the City of San Antonio for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the city manager or his duly authorized representative, it is hereby understood that payment to the city shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.

In testimony whereof witness our hand and seal this _____ day of _____, A.D., 19__.

Subdivider

Attest:

By: _____

By: _____

Title: _____

Title: _____

Trustee

Attest:

By: _____

By: _____

Title: _____

Title: _____
City of San Antonio

Attest:

By: _____

By: _____

Title: _____

Title: _____

Approved as to form: _____

Title: _____

(ATTACHMENT: Letter of Escrow)

Sec. 35-B205. Form E. Irrevocable Letter of Credit No. _____

(Name of bank, trust company or agent)

To: City of San Antonio
City Hall
P.O. Box 9066
San Antonio, Texas
78285

Date: _____

Amount: _____

Gentleman:

At the request of _____ (subdivider) _____, and for the account of

(name of company/corporation) _____, we hereby open in favor of the City of San
Antonio our irrevocable letter of credit for sum or sums not exceeding \$
_____ dollars available by your demand on us and documents specified
below:

A signed statement by the director of public works certifying that the funds
drawn under this letter of credit are needed to pay for the completion of
all or any of the following improvements:

Type of Site Improvement (Gas and electric lines not included)	Estimated Cost
Streets	\$ _____
Sidewalks	\$ _____
Sanitary sewers	\$ _____
Alleys	\$ _____
Storm drainage	\$ _____
Water	\$ _____
Other (specify)	\$ _____
Total:	\$ _____

in connection with _____ (name of subdivision and unit #) _____, plat # _____,
and further that _____ (subdivider) _____ has failed to complete the
work stated. Such demands will be honored if presented at this office on or
before _____ (month, date, year) _____ which is three (3) years and ninety (90)
days from the date of plat approval.

(Name of bank, trust company or agent) _____, will provide written notification
to the City of San Antonio, City Hall, P.O. Box 9066, San Antonio, Texas, 78285,
ninety (90) days prior to the expiration of this letter of credit as advice of
the pending expiration.

Bank, Trust Company or
Qualified Escrow Agent

Attest:

By: _____

Title: _____

Attest:

By: _____

Title: _____

Attest:

By: _____

Title: _____

Approved as to form: _____
City Attorney

By: _____

Title: _____

Date of Execution

Subdivider

By: _____

Title: _____

Date of Execution

City of San Antonio

By: _____

Title: _____

Date of Execution

Sec. 35-B206. Form F. Release of Obligations under Performance Agreement

Upon Release Send to:

Name

Address

City and Zip Code

Dated _____

For _____
(subdivision, plat number)

State of Texas X

X

County of Bexar X

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

Executed this _____ day of _____, 19____.

City of San Antonio

Attest:

Title: _____

Title: _____

Sec. 35-B207. Form G. Vacating Declaration.

Name

Address

City & Zip Code

State of Texas X

X

County of Bexar X

Vacating Declaration for _____ Subdivision, Plat
(Number) _____.

Know all men by these presents that I (we), the undersigned, hereby acknowledge that I am (we are) the owners/priorietor(s) of all the land and/or lots or portions of lots embraced by the plat number _____ known as _____, (a copy of which is attached hereto), approved by the City of San Antonio Planning Commission on _____, and recorded in Volume _____, Page _____, _____ County Deed and Plat Records.

In accordance with Vernon's Ann. Civ. St. art. 974a and the City of San Antonio subdivision regulations, the undersigned hereby declare such plat known as _____, plat number _____, to be vacated.

It is the intent of the undersigned to nullify the force and effect of the recordation of the above referenced plat by filing this vacation instrument in the _____ County Deed and Plat Records to cause the _____ County Clerk to write the word "Vacated" in plain, legible letters across the plat so vacated.

Executed this _____ day of _____, 19____.

By: _____
Owner

Owner's Duly Authorized Agent

Title: _____

State of Texas X
 X
County of Bexar X

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed. Given under my hand and seal of office, this the _____ day of _____, 19__.

Notary Public in and for
the State of Texas

My commission expires: _____

(There shall be a signature space for each proprietor; there shall be an acknowledgment for each signature; if there is more than one page, the pages shall be numbered page _____ of _____ (Vacating Declaration for _____ Subdivision Plat).)

This vacating declaration for _____ Subdivision Plat, plat number _____, submitted to and considered by the Planning Commission of the City of San Antonio, Texas and is hereby approved by such commission.

Dated _____ day of _____, A.D., 19__.

By: _____
Chairman

By: _____
Secretary

Sec. 35-B209. Form I. Replat Certification

(For areas limited by zoning or deed restrictions to single-family or duplex residential usage)

State of Texas X
 X
County of Texas X

I (we), the owner(s) of the land shown on this replat hereby certify that this replat does not alter, amend, or remove any covenants or restrictions.

Owner

Owner's Duly Authorized Agent

Sworn to and subscribed before me this the _____ day of _____, 19____.

Notary Public in and for
the State of Texas

My commission expires: _____

Sec. 35-B210. Form J. Replat Certification.

(For areas not limited by zoning or deed restrictions to single-family or duplex residential usage)

State of Texas X
 X
County of Bexar X

I (we), the owner(s) of the land shown on this replat hereby certify that this replat does not alter, amend or remove any covenants or restrictions; I (we) further certify that no portion of the proposed area to be replatted was limited within the immediate preceding five years by any interim or permanent zoning classification to residential use for not more than two residential units per lot; I (we), further certify that no lot covered by (name, plat, plat number) approved by the planning commission on _____, was limited by deed restriction to residential use for not more than two residential units per lot.

Owner

Owner's Duly Authorized Agent

Sworn to and subscribed before me this the _____ of _____, 19____.

Notary Public in and
for the State of Texas

My Commission expires: _____

Sec. 35-B211. Form K. Replat Certification.

(For areas designated or reserved for other than single-family or duplex residential usage)

State of Texas X
 X
County of Bexar X

I (we), the owner(s) of the land shown on this replat hereby certify that this replat does not alter, amend, or remove any covenants or restrictions. I (we) further certify that all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage other than for single-family or duplex residential usage by notation on the last legally recorded plat or in the legally recorded restrictions applicable to such plat.

Owner

Owner's Duly Authorized Agent

Sworn to and subscribed before me this the _____ of _____, 19____.

Notary Public in and for
the State of Texas

My commission expires: _____

EXHIBIT C
FEE SCHEDULE

Sec. 35-C101. Zoning fees.

The following fees are established for zoning cases. All fees shall be paid at the time of filing an application.

- (1) Zoning commission/city council filing fees.
 - a. 1.0 acre or less \$305.00
 - b. 1.01 to 5.0 acres \$505.00
 - c. 5.01 to 10.0 acres \$630.00
 - d. 10.01 to 25.0 acres \$760.00
 - e. 25.01 acres or greater \$895.00
- (2) Zoning postponement request fee \$300.00
- (3) Planned Unit Development/Planned Residential
Development processing fee \$750.00
- (4) Zoning verification fee \$ 35.00
- (5) Board of adjustment appeal \$155.00
- (6) Board of adjustment postponement request fee \$ 77.50
- (7) Establishment of nonconforming rights construction
or site plan \$250.00
- (8) Application for nonconforming rights master plan
 - a. 1.0 acre or less \$305.00
 - b. 1.01 to 5.0 acres \$505.00
 - c. 5.01 to 10.0 acres \$630.00
 - d. 10.01 to 25.0 acres \$760.00
 - e. 25.01 acres or greater \$895.00
- (9) Historical site certification \$ 40.00
- (10) Military Airport Overlay Zone Site Plan \$300.00
- (11) Copies of zoning maps \$ 5.00/map

Sec. 35-C201. Subdivision and platting fees.

The following fees are established for plats. Platting fees shall be paid at the time of plat application. All other fees and any adjustments to the platting fees shall be paid at the time of formal plat filing.

(1) Platting fees:

- a. Base fee \$450.00/plat
 - b. Single-family residential development. \$ 46.00/lot
 - c. Non single-family residential development. \$333.00/ac.
- (2) Variance \$ 80.00
 - (3) Plat deferral \$250.00
 - (4) Time extension \$120.00
 - (5) Vacating declaration \$ 70.00
 - (6) Replat involving notification \$350.00
 - (7) Amending plat \$105.00
 - (8) Plat withdrawal \$115.00
 - (9) Pedestrian circulation plan \$160.00
 - (10) Emergency add-on \$350.00
 - (11) Mobile home park plan processing fee. \$200.00
 - (12) Street name change application processing fee \$250.00
 - (13) Street name change installation fee \$150.00/sign

Sec. 35-C202. Sewer fees.

Sewer fees shall be paid prior to plat recordation.

(1) Sewer fees:

a. Inside city limits:

1. Single-family residential development. \$120.00/lot
2. Non single-family residential development. \$600.00/ac.
3. PUD or PRD with a density of five (5) or less
dwelling units (du) per acre. \$120.00/du
4. PUD or PRD with a density of more than
five (5) dwelling units per acre. \$600.00/ac.

b. Outside city limits:

1. Single-family residential development. \$240.00/lot
2. Non single-family residential development. \$1200.00/ac.
3. PUD or PRD with a density of five (5) or less
dwelling units (du) per acre. \$240.00/du
4. PUD or PRD with a density of more than five (5)
dwelling units per acre \$1200.00/ac.

(2) Reimbursement of sewer fees

a. If annexation occurs within one year of plat approval:

1. Single-family residential development. \$120.00/lot
2. Non single-family residential development. \$600.00/ac.

b. If annexation occurs within two years of plat approval:

1. Single-family residential development. \$ 90.00/lot
2. Non single-family residential development. \$450.00/ac.

c. If annexation occurs within three years of plat approval:

1. Single-family residential development. \$ 60.00/lot
2. Non single-family residential development. \$300.00/ac.

EXHIBIT D

FLOOD PLAIN ENGINEERING & PROCEDURES REQUIREMENTS WITHIN FEMA OR U.S. CORPS OF ENGINEERS OFFICIAL FLOOD PRONE AREAS

Sec. 35-D101. For proposed subdivision plats.

(a) Calculate the backwater profile using the 25 year ultimate development runoff discharge through area with existing "n" values of drain.

(b) Compare the 25-year water surface elevation profile plus required freeboard against the federal agency 100-year profile and whichever is higher controls. If a federal agency 100 year profile is not available, use the U.S. Geological Survey chart (100-year frequency discharge vs. drainage area, existing conditions) to establish the runoff and subsequent water surface elevation for the local area and compare with the 25-year values plus freeboard.

(c) Based upon the higher elevation determined from (b) above, calculate the available conveyance ($AR^{2/3}$) for the channel in a state prior to the proposed improvements. Any improvements to the site must provide the same conveyance. The energy line for the channel after improvements have been made must be at, or below the energy line prior to improvements.

(d) Run a backwater curve for the proposed improvements to verify that the water surface elevation did not rise.

(e) Land to receive improvements must be filled to the controlling elevation determined in either (b) or (c) above.

(f) All land below the controlling elevation must be dedicated as a public drainage easement.

Sec. 35-D102. For approval of building permits for proposed construction.

(a) If a federal agency water surface profile is available for the 100 year frequency discharge, superimpose the 100-year water surface elevation in the existing section and calculate existing conveyance ($AR^{2/3}$) value furnished.

(b) Superimpose the proposed building into the flood plain section to see if the remaining conveyance value will be equal to the existing value furnished at a depth delta hv below the existing water surface elevation. If so, ok; if not, additional conveyance will have to be furnished or building cannot be approved for construction.

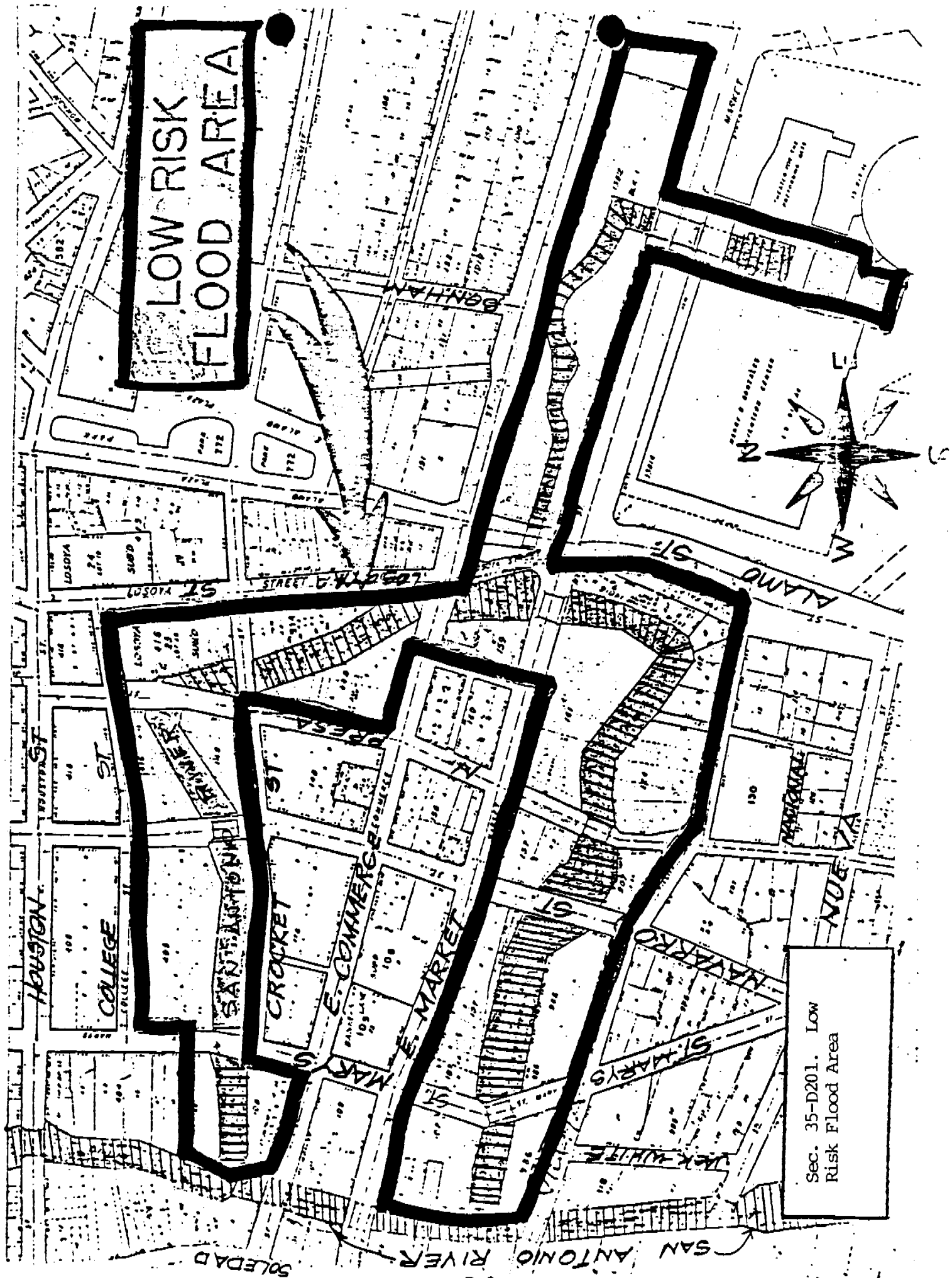
(c) If a federal agency 100-year frequency water surface profile is not available, use U.S. Geological Survey chart (100 year frequency discharge vs. drainage area, existing conditions) to calculate runoff and run backwater profile and frictional depths through the proposed building site.

(d) Make frictional depth checks with the proposed building superimposed into the existing section and furnish the same conveyance as the existing section a depth delta hv down from the original water surface elevation.

(e) If the water surface profile had to be established, run a backwater curve through the proposed section with the building to verify that there is no rise in the existing water surface elevations.

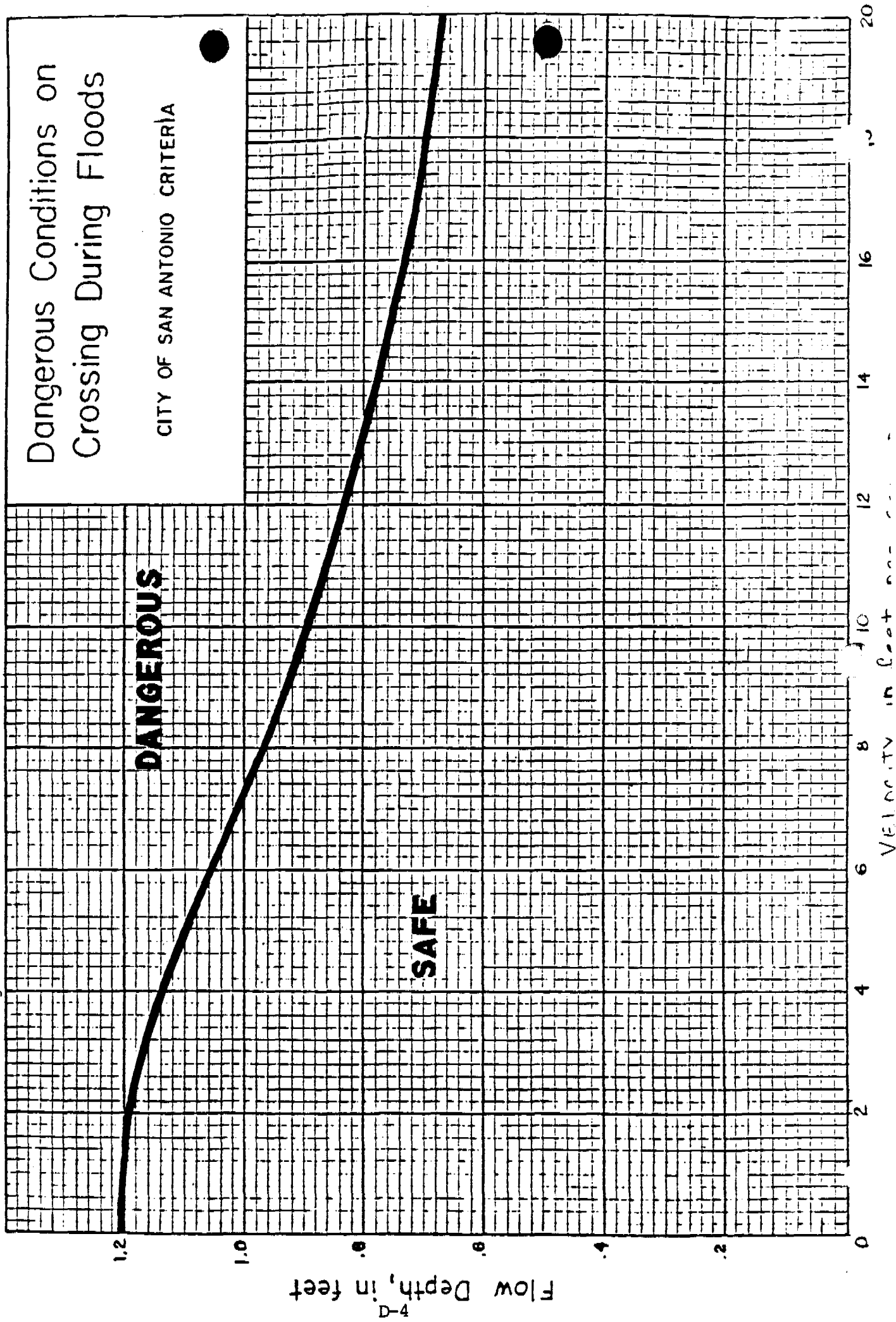
(f) Finished floor slabs for residential structures will be 1' above the 100 year water surface elevations.

(g) Builder will have the option to place the finished floor slab for business, commercial, or industrial structures below 100-year surface elevation, but building must be flood proofed in accordance with Sec. 35-4342(b) of this chapter. If the business, industrial, or commercial finished floor slab is placed at or above the 100 year water surface elevation, no flood proofing will be required.



Sec. 35-D201. Low
Risk Flood Area

Sec. 35-D301. Dangerous Conditions Crossing During Floods



PERFORMANCE BOND

STATE OF TEXAS X
 X
COUNTY OF _____X

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, the undersigned developer as principal, and _____, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$_____, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

Whereas, the principal had petitioned the Flood Plain Administrator of the City of San Antonio for permission to _____ within the jurisdiction of the City of San Antonio which is shown on plans entitled _____, and which is more particularly described as follows, to wit:

WHEREAS, plans and a flood plain development permit for such development were approved by the Flood Plain Administrator; and

WHEREAS, the Flood Plain Ordinance of the City of San Antonio requires that the site improvements set out below be completed by the principal in conformance with the standards established by that ordinance within three (3) years from the date on which the Flood Plain Development Permit was approved:

_____ ; and

WHEREAS, the aforesaid ordinance requires that a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within three (3) years of the date on which the Flood Plain Development Permit was approved; and

WHEREAS, the undersigned developer has elected to provide to the City of San Antonio such a guarantee of performance;

NOW THEREFORE, the condition of this obligation is such that if the principal shall, on or before the _____ day of _____, 19____, construct or cause to be constructed the above mentioned improvements in accordance with the requirement of the City of San Antonio Flood Plain Ordinance, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND AND SEAL this _____ day of _____, A.D., 19____.

DEVELOPER AND PRINCIPAL

BY: _____

TITLE: _____

BY: _____
ATTORNEY-IN-FACT

APPROVED AND ACCEPTED THIS _____ day of _____, 19____.

CITY OF SAN ANTONIO

BY: _____

TITLE: _____

APPROVED AS TO FORM: _____
CITY ATTORNEY

CITY OF SAN ANTONIO REGIONAL AGENT BOUNDARY

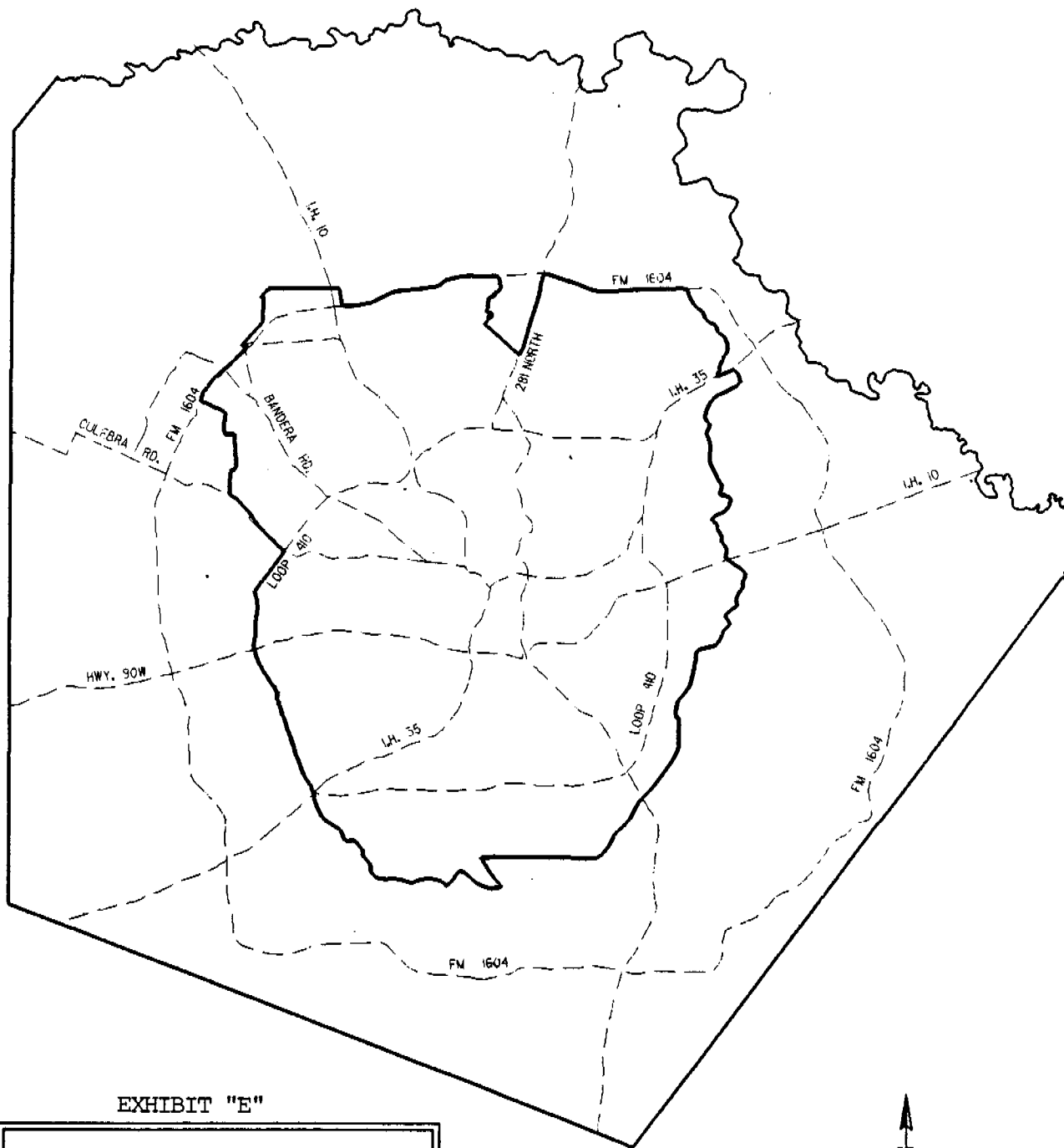


EXHIBIT "E"

LEGEND

REGIONAL AGENT BOUNDARY —————
BEXAR COUNTY LINE —————
PRIMARY HIGHWAYS - - - - -

E-1

GRAPHICS BY: RENE D. YBARRA
DATE: 6-1-87

Common Name	Scientific name	Type	Crown form	Size	Foliage	Growth rate	Site preference	Disease or insect problems	Other remarks
7. Elm, Cedar	<u>Ulmus crassifolia</u>	C	R-O	L	D	M	Limestone soils Moist sites Dryer uplands sun	Wetwood Elm leaf beetles	Fall bloom Yellow fall color Good shade
8. Goldenrain	<u>Koelreuteria formosa</u>	C	R	M	D	F	Sun Moist sites Variety of sites	None serious	Pink fruit Flowers in late summer Shade
9. Holly, Yaupon	<u>Ilex vomitoria</u>	U	R-O	S	E	S-M	Adaptable to variety of sites	None serious	Often multistemmed Red berries on females attract birds Accent tree
10. Jujube	<u>Ziziphus jujuba</u>	C	R-I	M	D	S-M	Tolerates alkaline soils Moist Well drained Many sites	None serious	Date-like fruit may be messy over pavement
11. Loquat	<u>Eriobotrya japonica</u>	U	R	S	E	M	Sun or part shade Open area with good air circulation Well drained sites	Fire blight	Edible fruit Short visual screen
12. Magnolia, Southern	<u>Magnolia grandiflora</u>	C	P	M-L	E	S-M	Shade tolerant Rich moist sites Sensitive to magnesium deficiency	None serious	Thick foliage Visual screen Large fragrant flowers
13. Mountain laurel/ Mescal bean	<u>Sophora secundiflora</u>	U	R	S	E	F	Intolerant Caliche Mountains Moist sites	None serious	Fragrant spring blooms Dark glossy leaves Accent trees
14. Oak, Bur	<u>Quercus macrocarpa</u>	C	P	M-L	D	S-M	Moist bottomlands Dry hills Sun Hardy Higher grounds	Aphids & spider mites occasionally	Large leaves Acorns (wildlife) Good shade

EXHIBIT F

Tree Species Recommendations for the San Antonio Urban Area
by the Texas Forest Service

	Common Name Scientific name	Type	Crown form	Size	Foliage	Growth rate	Site preference	Disease or insect problems	Other remarks
1.	Anaqua <u>Ehretia anacua</u>	C	R	M	D	M	Moist low sites Shrub on poorer sites	None serious	Edible fruit Good shade Often multitrunked
2.	Bald cypress <u>Taxodium distichum</u>	C	P	L	D	M-F	Full sun Wet, moist soil Can do well in drier but rich areas	None serious	Needle-like leaves Bronze fall color Produces knees in wet areas Good shade
3.	Deodar cedar <u>Cedrus deodara</u>	C	P	M-L	R	M	Well drained loam or clay loam soil Full sun	None serious	Good visual/sound screen
4.	Crabapple, Flowering <u>Malus spp.</u>	C	R-I	S	D	M-F	Sun Fertile, moist soil	Powdery mildew Cedar-apple gall rust Fire blight	Many cultivars available Fruit used to make jelly
5.	Grape myrtle <u>Lagerstroemia indica</u>	U	R	S	D	M	Full sun Adaptable to many soils	Powdery mildew	Can be trained as shrub or tree Varieties of color Flowers all summer Fall color
6.	Ebony, Texas <u>Pithecellobium flexicaule</u>	C	R	M	E	M	Full sun	None serious	Flowers in summer Visual screen Seeds used as coffee substitute

Common Name Scientific name	Type	Crown form	Size	Foliage	Growth rate	Site preference	Disease or insect problems	Other remarks
24. Persimmon, Texas/ Mexican <u>Diospyros texana</u>	U	R-O	S-M	D	M	Rocky, hilly areas Limestone soils Full sun	None serious	Wildlife attracted to fruit Fruit edible Attractive bark Accent tree
25. Pine, Aleppo <u>Pinus halepensis</u>	C	R-P	L	E	M	Full sun Well drained soils	None serious	Shade
26. Pistache, Chinese <u>Pistacia chinensis</u>	C	R	M	D	M	Sun Tolerates many sites & urban conditions	None serious	Transplants well in spring from containers Very good fall color
27. Pistache, Texas <u>Pistacia texana</u>	C	R	S	E	M	Full sun	None serious	New foliage red in spring Self-pruning
28. Plum, Mexican <u>Prunus mexicana</u>	U	R-O	S	D	M	Moist sites Drought resistant Sun	None serious	Flowers Fruit during summer Accent tree

LEGEND:

Type	Crown form	Size	Foliage	Growth Rate
C--Canopy	I--Irregular	S--Small, 15'-35'	E--Evergreen	S--Slow
U--Understory	O--Oblong or oval	M--Medium, 35'-75'	D--Deciduous	M--Moderate
	P--Pyramidal	L--Large, 75'+		F--Fast
	R--Rounded			

Common Name Scientific name	Type	Crown form	Size	Foliage	Growth rate	Site preference	Disease or insect problems	Other remarks
15. Oak, Chinkapin <u>Quercus muhlenbergi</u>	C	R	M-L	D	S-M	Drought resistant Well drained uplands Calcareous soils Sun	None serious	Large leaves Difficult to transplant from wild Good shade
16. Oak, Lacey <u>Quercus laceyi</u>	C	R	M	D	M	Rocky soils Riverbanks	Oak wilt	Grayish-green leaves
17. Oak, Live <u>Quercus virginiana</u>	C	R	M	E	S-M	Sandy loam/heavier clays Dry sites Full sun	Live oak decline Ball moss	Often multitrunked May need early pruning Tolerates salinity Long-lived Visual screen
18. Oak, Shumard <u>Quercus shumardii</u>	C	R-O	M-L	D	M-F	Variety of soils Full sun Moist hillsides/bottom lands in clay	Oak wilt	Fall leaf color Tolerates urban conditions well Good shape
19. Oak, Texas Red/ Spanish <u>Quercus texana</u>	C	R	M	D	M	Limestone slopes Full sun	Oak wilt	Good fall color Grayish bark Good shape
20. Olive, Manzanilla <u>Olea manzanilla</u>	U	R-O	S	D	M	Rich soil Full sun	None serious	Gray foliage Accent tree
21. Olive, Wild <u>Cordia boissieri</u>	U	R	S	D	M	Rich soil Full sun	None serious	Accent tree (small)
22. Osage, Orange/ Bois D'Arc <u>Maclura pomifera</u>	C	R	M	D	F	Drought resistant Intolerant of shade Adaptable to many sites	None serious	Planted as hedges Male cultivars available Large fruit messy
23. Pecan <u>Carya illinoensis</u>	C	R	L	D	M	Rich, moist sites Variety of sites Wide range Sun	Webworm Nut pests Tent caterpillar	May stain pavements Improved varieties available Shade