

AN ORDINANCE **2010-11-18-0985**

**AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, OF THE CITY CODE OF
SAN ANTONIO, TEXAS, BY BY MAKING
SUBSTANTIVE AND MINOR AMENDMENTS;
CORRECTING CLERICAL AND FORMATTING
ITEMS; CLARIFYING ITEMS; AMENDING
DEFINITIONS; PROVIDING AN EFFECTIVE DATE**

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WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001 and reenacted the Unified Development Code, 2005 Edition on September 22, 2005; and

WHEREAS, Section 35-111 requires that requests for amendments to the Unified Development Code be submitted biennially to the Zoning Commission and the Planning Commission; and

WHEREAS, the Zoning Commission held a public hearing on October 19, 2010 and considered these amendments and have provided a recommendation to City Council; and

WHEREAS, the Planning Commission held a public hearing on October 27, 2010 and considered these amendments and have provided a recommendation to City Council;
NOW THEREFORE,

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

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

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

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

35-111. Updates for Amendments.

The purpose of this section is to provide for updates to this chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design. The update program shall occur every five years beginning in 2010 in years ending with -0

~~and -5. Beginning 2006 the UDC update program will be conducted every second year on even dated years.~~

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3. Rule interpretation determinations (RIDs) are written policies and administrative interpretations made by the development services director, historic preservation officer and planning and community development ~~director of planning and development services~~ for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.
- (a) No later than May 1 of each year, any person may provide a request for amendment to this chapter to the development services ~~director of planning and development services~~. The request for amendment shall be labeled an "update request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.
- (b) The development services ~~director~~ shall not receive request for amendments after July 1. The director shall refer the proposed amendments to various city departments, planning commission technical advisory committee (PCTAC), the planning commission, the zoning commission and the city council. The director may conduct workshops to informally discuss the update requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
- (c) The development services ~~director of planning and development services~~ shall refer the update requests to the planning commission and/or zoning commission by October 30. The planning commission and/or zoning commission shall refer the update request to the city council by December 1. Any amendments that are finally approved shall become effective January 1 of the following year.

Chapter 35, Article I, Section 35-112 is amended as follows:

Sec. 35-112. - Administrative Official.

The administrative official for the purposes of this chapter shall be the city manager, the deputy city managers, the assistant city managers ~~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 and community development, public works, ~~and development services~~ and the historic preservation officer shall ordinarily administer and enforce the provisions of this chapter.

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

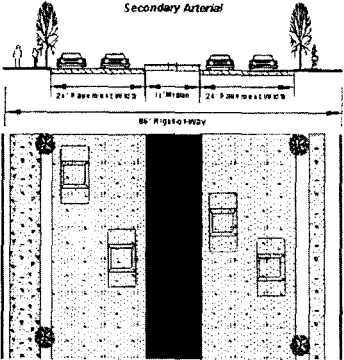

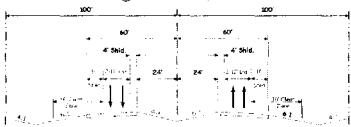
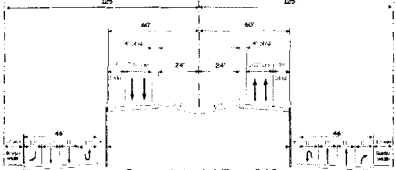
35-202 Conventional and Enclave Subdivision.

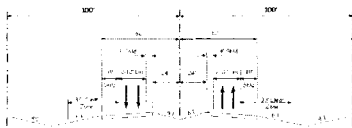
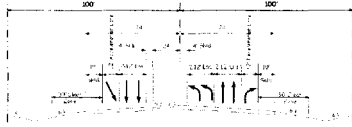
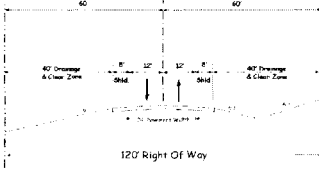
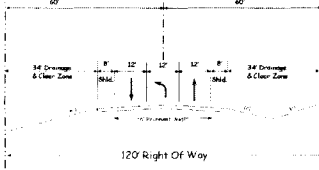
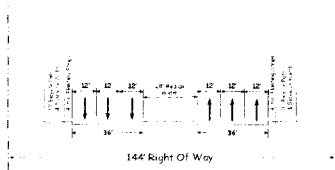
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(o) Urban Design. A conventional or enclave subdivision shall not be subject to the urban design standards of this chapter.

Table 202-1

<i>Street Type</i>	<i>ROW</i>	<i>Pavement Width</i>	<i>Median</i>	<i>Sidewalk Width (ft. w/Planting Strips / ft. w/o Planting Strips)</i>	<i>Bike Facilities</i>	<i>Streetscape Planting</i>	<i>Planting Strips</i>

<p>Secondary Arterial</p> 	86'--110'	48'--81'	16'	4'/ 6'	Yes Path	Yes	3'
	120'	48'--81'	16'	4'/ 6'	Yes Path	Yes	3'
<p>Cross Section: Super Arterial Type A – Grade Separation @ Mid-Block</p>  <p>Super Arterial Type "A" On 200' Right Of Way</p>	<u>200'</u>	<u>44'</u>	<u>48'</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Not Required</u>
<p>Cross Section: Super Arterial Type A – Grade Separation @ Intersection</p>  <p>Super Arterial Type "A" Grade Separation On 250' Right Of Way</p>	<u>250'</u>	<u>136'</u>	<u>48'</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Not Required</u>

<p>Cross Section: Super Arterial Type B - @ Mid-Block</p>  <p>Super Arterial Type "B" On 200' Right Of Way</p>	200'	48'	48'	Not Required	Not Required	Not Required	Not Required
<p>Cross Section: Super Arterial Type B - @ Intersection</p>  <p>Super Arterial Type "B" On 200' Right Of Way</p>	200'	96'	24'	Not Required	Not Required	Not Required	Not Required
<p>Cross Section: Rural Road @ Mid-Block</p>  <p>120' Right Of Way</p>	120'	24'	Not Required	Not Required	Not Required	Not Required	Not Required
<p>Cross Section: Rural Road @ Intersection</p>  <p>120' Right Of Way</p>	120'	36'	Not Required	Not Required	Not Required	Not Required	Not Required
<p>Cross Section: Enhanced Primary Arterial @ Mid-Block</p>  <p>144' Right Of Way</p>	144'	72'	28'	10'	Yes	Yes	4'

~~processed in accordance with section 35-482 of this chapter.~~

~~• A variance to the requirements of subsections (b) and (d) through (n) shall be processed in accordance with section 35-483 of this chapter.~~

~~(2) Variances—Extraterritorial Jurisdiction. Within the ETJ, variances shall be processed in accordance with section 35-483 of this chapter.~~

~~(3) Building and Structures. Building and structures in compliance with the standards of this section are permitted by right in an office or institutional campus use pattern. If a lot or lots are to be created the property shall require platting.~~

~~(e) Size and Location of Site. A campus shall be located in the "BP" business park, "O-1" office, and "O-2" office, "C-2" commercial district, "C-3" commercial district or "L" light industrial districts.~~

(c)(d) Uses and Density within the "BP" Business Park District. 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 as described in the performance standards set forth in subsection (o) ~~subsection (e)~~ of this section:

- (1) Uses Permitted by Right. Uses permitted in the ~~See Use Matrix,~~ "L" light industrial district (See Table 311-2 Non Residential Use Matrix).
- (2) Accessory Uses. 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:

- A. 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.
- B. Retail incidental to or in support of any of the principal

permitted uses.

- C. Recreational facilities, industrial health clinics and first aid stations, technical libraries, auditoriums, employee training facilities, meeting and display rooms.
- D. Outdoor storage provided that the requirements for screening are met, and that not more than ten (10) percent of each lot is so used.
- E. Temporary buildings, trailers and vehicles for uses incidental to construction work.
- F. Other accessory uses and structures customarily incidental to any permitted principal use.

Any permitted uses involving the handling or sale of food or food products shall comply with the requirements set forth in chapter 13 of the City Code (food and food handlers).

(d) ~~(e)~~ **Traffic Impact** Analysis. A campus shall comply with the traffic impact analysis standards of this chapter.

(e) ~~(f)~~ **Lot Layout**. A campus shall comply with the lot layout standards of this chapter and the following:

- (1) Area. The ground level square footage of all buildings and improvements other than streets and parking areas within a business park district shall not exceed fifty (50) percent of the total area of each lot.
- (2) Setbacks. No building, parking garage, covered parking or other structure, except streets, walks, and parking lots, 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 residential use ~~developed residential area~~; and
 - B. Twenty-five (25) feet from any perimeter abutting a nonresidential use ~~n undeveloped or nonresidential area~~.

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

- (3) Height. The height of buildings and other improvements shall not exceed thirty (30) feet within a distance of one hundred (100) feet from any perimeter abutting a residential use 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-foot distance.

~~(f)~~ **(g) Transportation.** A campus shall comply with the transportation standards of this chapter and the following:

- (1) Access.
 - A. 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 major thoroughfare plan.
 - B. Pedestrian access. Sidewalks shall be provided on public and private streets in accordance with the transportation standards of this chapter.
- (2) Streets.
 - A. 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. Private streets shall comply with the specifications and design standards set forth in the transportation standards of this chapter.
 - B. Vehicle access points shall be located so as to provide a minimum of conflict between internal traffic and the traffic on adjacent streets. Parking shall be prohibited on any private street less than thirty (30) feet in width.
 - C. Sidewalks shall be provided on public and private streets in accordance with the design specifications of the transportation standards of this chapter.

~~(g)~~ ~~(h)~~ **Stormwater Management.** A campus shall comply with the stormwater management standards, section 35-504 of this chapter. Landscaped areas, buffer areas, or areas where trees are preserved, as required by sections 35-510, 35-511, or 35-523 ~~35-253~~ of this chapter, may be used to comply with the stormwater management standards.

(h) ~~(i)~~ **Utilities.** See utilities standards, section 35-507 of this chapter.

(i) ~~(j)~~ **Parks and Open Space.** A campus shall comply with the parks and open space standards (section 35-503) of this chapter. In lieu of the requirements of Table 503-1, parks and open space shall be provided at a rate of one hundred ninety (190) square feet per equivalent dwelling unit. The equivalent dwelling units shall be calculated in accordance with the SAWS Utility Service Agreement for “EDUs” The following provisions of the parks and open space standards shall not apply to an office or institutional campus: subsections 35-503(c) (park and open space characteristics), 35-503(d) (suitability), subsections 35-503(d) (park and open space characteristics), 35-503(e) (suitability), and 35-503(i) (connectivity). ~~An office or institutional campus shall not be required to conform to any other provisions of the parks and open space standards.~~ Parks and open space provided pursuant to this subsection shall be maintained in private ownership, unless the applicant chooses to dedicate a greenway to the city with the city’s acceptance.

(j) ~~(k)~~ **Natural Resource Protection.** A campus shall comply with the natural resource protection standards of this chapter.

(k) ~~(l)~~ **Buffers, Landscaping, Streetscape Planting and Tree Preservation.** A campus ~~within the incorporated areas of the city~~ shall comply with the buffer (section 35-510), landscaping (section 35-511), streetscape planting (section 35-512) and tree preservation (section 35-513) standards of this chapter and the following:

- (1) Screening. 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. The use of a wall or fence is in addition to, and does not replace, the requirements for landscaping or trees as set forth in sections 35-510 and 35-511 of this chapter.
- (2) Buffers.
 - A. A bufferyard, as defined in Table 510-1, shall be installed and maintained along the perimeters of a business park district abutting developed residential areas.
 - B. Along the perimeters of a business park district abutting undeveloped or nonresidential areas, a class B bufferyard shall be installed and maintained.
 - C. Utility and drainage easements/rights-of-way may be considered as part of a bufferyard provided all other requirements of this section are met.

- D. Bufferyards shall comply with the landscaping standards of this chapter. In addition to trees and shrubs, bufferyards shall be planted with lawn, native grasses, or evergreen ground cover.
- E. 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.
- F. The landscape plan required by Appendix "B" of this chapter shall also include the landscaping and bufferyard areas required by this section.
- G. 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.

(l) (m)—

Parking. A campus shall comply with the parking standards of this chapter and the following:

- (1) 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).
- (2) 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.
- (3) 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.

(m) ~~(n)~~

Outdoor Storage. A campus shall comply with the outdoor storage standards of this chapter and the following:

- (1) Outdoor storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) or landscaping consistent with the requirements of subsection 35-511(c)(7) of this chapter, so as to completely screen all operations conducted within such wall from observation outside the business park district.
- (2) The wall shall be at least six (6) feet, but not more than ten (10) feet in height. All outdoor storage shall be completely shielded from public view. ~~No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.~~

(n) ~~(o)~~

Lighting and Signs.

- (1) Lighting. 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:
 - A. 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.
 - B. When a light source has a cutoff angle of ninety (90) degrees or greater, the maximum permitted height shall be fifteen (15) feet.
- (2) Signs. The use of signs in a business park shall conform to chapter 28 of the City Code.

(o) ~~(p)~~

Performance Standards. 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.

* * * *

Chapter 35, Article II, Section 35-203 (i) (2) is amended as follows:

Sec. 35-203 Conservation Subdivision.

(i) Utilities

- (2)** Where permitted by Bexar County, a conservation subdivision may use a cluster system, as defined in 30 TAC § 285.2 (which is hereby incorporated by this reference), to dispose of on-site wastewater. The cluster system shall comply with the requirements of 30 TAC § 285.6, which is hereby incorporated by this reference. The drainfield or absorption area for the cluster system may be located in a primary conservation area or secondary conservation area, so long as the location is permitted by the Texas Commission on Environmental Quality “TCEQ” TNRCC (30 TAC chapter 285), the city department of health (chapter 34, article V, division 2 of the City Code) within the incorporated areas of the city, or the applicable Bexar County septic regulations in the extraterritorial jurisdiction, and complies with the following to the extent permitted by state law and the applicable city or county regulations:
- A.** The absorption field is an underground drainage field or an absorption field for spray irrigation purposes for a land treatment disposal system; or
 - B.** The absorption field is a mound system (as defined in 30 TAC § 285.2) which is limited to not more than ten (10) percent of the required minimum open space.

Chapter 35, Article II, Section 35-209 (a) (2) is amended as follows:

35-209. Form Based Development.

(a) General to All Plans

- (2) Process.**
- A.** Sectors [defined geographically in subsection 35-209(b)] permit development patterns [defined by extent and intensity in subsection 35-209(c)], which are composed of transect zones [defined by the elements appropriate to them in subsection 35-209(e)].
 - B.** The City of San Antonio Department of Planning and Community Development Services shall include a consolidated review committee (CRC) comprised of a representative from each of the various regulatory agencies and departments that have jurisdiction over the permitting of a project. The CRC shall provide a single interface between the applicant and the agencies. The CRC shall have regularly scheduled meetings held twice per month. Applicants shall request to be placed on CRC agenda at least one (1) week before the scheduled meeting date. The CRC coordinator may cancel meetings when there are no outstanding applications.

- C. The CRC shall be comprised of, but not limited to, one (1) representative from each of the following:
 - 1. Public Works (Stormwater, Transportation);
 - 2. ~~Planning and~~ Development Services (Engineering, Trees, Land Entitlements, Zoning, and Building Review Division);
 - 3. SAWS;
 - 4. CPS Energy;
 - 5. Parks and Recreation;
 - 6. Bexar County (if applicable);
 - 7. VIA Metropolitan Transit;
 - 8. Fire Department;
 - 9. School Districts;
 - 10. Office of Environmental Policy (Bicycle Coordinator).
- D. The CRC shall issue a recommendation for approval or denial of master development pattern plans, zoning site plans, plats, and building plans to the approval authority for the respective application.
- E. An applicant may appeal a decision of the CRC to the director of planning and community development services. Decisions of the director of planning and community development services may be appealed to the board of adjustment when concerning subsection 35-209(e)], or to planning commission when concerning subsection 35-209(c)] and shall follow the procedures set forth in Chapter 35, Article IV, subsections 35-412 and 35-481.
- F. Should a violation of an approved plan occur during construction, the development services director ~~of planning and development services~~ has the right to require the owner or applicant to stop, remove, and/or mitigate the violation, or to require the owner or applicant to secure a variance to cover the violation.

Chapter 35, Article II, Section 35-209 (b) (1) is amended as follows:

(b) Sector Analysis Report

- (1) **Instructions.** The form based development use pattern is based on regional planning principles that incorporate six (6) sectors. These sectors are based on geographic characteristics (including but not limited to topography and transportation networks) of the planning area. The sectors determine the development pattern(s) that are allowed (as illustrated in table 209-1).

The first two (2) sectors are planned for little or no development

and include Sector 1 (S1) Preserved Open Space, Sector 2 (S2) Reserved Open Space. The next three (3) sectors are intended for varying intensity of development in greenfield areas. They include Sector 3 (S3) Restricted Growth, Sector 4 (S4) Controlled Growth, and Sector 5 (S5) Intended Growth. The last sector, Sector 6 (S6) Infill addresses infill conditions.

A sector analysis report shall be required and utilized as one (1) criteria for the approval of a FBZD rezoning application. The sector analysis shall be prepared by the planning and community development director of ~~planning and development services~~ in coordination with the CRC prior to presentation to the zoning commission.

Chapter 35, Article II, Section 35-209 (c) (9) C. 6. is amended as follows:

(c) Development Patterns.

(9) Civic Requirements.

C. Civic Buildings (CB) Specific to T3 –T6 Zones

6. Civic buildings shall be subject to the standards of subsection 35-209(e). The particulars of the design of civic buildings shall be subject to approval by the director of planning and community development ~~services~~ upon review by the historic design and review commission and recommendation to issue or deny a certificate of appropriateness [in accordance with guidelines of section 35-803].

Chapter 35, Article II, Section 35-209 (d) (2) F. is amended as follows:

(d) Infill Development.

(2) Pedestrian Shed Analysis.

- F. The CRC will provide a review of the pedestrian shed analysis submitted by the applicant to ensure consistency with the sector analysis and any community or neighborhood plans adopted for the area. The review shall occur within ten (10) days of request to the planning and community development ~~services~~ department by the applicant and shall be submitted to the zoning case manager for inclusion in the staff recommendation to the zoning commission.

Chapter 35, Article III, Section 35-303 is amended as follows:

35-303 Establishment of Districts

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(c) **Special Districts.** Special districts are created by division 5 of this article to address unique situations. However, unlike overlay districts, special districts replace the standards and requirements of the base districts.

Special Districts

"AE-1"	Arts and Entertainment District
"AE-2"	Arts and Entertainment District
"AE-3"	Arts and Entertainment District
"AE-4"	Arts and Entertainment District
"BP"	Business Park District
"DR"	Development Reserve
"ED"	Entertainment District
"FBZD"	Form Based <u>Development</u> Entertainment District
"G"	<u>Golf Course District</u>
"IDZ"	Infill Development Zone
"MH"	Manufactured Housing District
"MHC"	Manufactured Housing Conventional District
"MHP"	Manufactured Housing Park
"MPCD"	Master Planned Community Districts
"MR"	Military Reservation District
"MXD"	Mixed Use District
"NP-8"	Neighborhood Preservation District
"NP-10"	Neighborhood Preservation District
"NP-15"	Neighborhood Preservation District
"PUD"	Planned Unit Development District
"QD"	Quarry District
"SGD"	Sand & Gravel District
"TOD"	Transit Overlay District

(Listed in Alphabetical Order)

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Chapter 35, Article III, Section 35-304 is amended as follows:

Sec. 35-304. - Official zoning 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 thereof and collectively shall constitute the official zoning map. These maps are on file electronically ~~in the office of the director of planning and development services~~, 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. 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 and development services. The official zoning map shall carry the zoning district designations established in section 35-303 and Appendix "D" (Conversion Matrix) to this chapter.

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

35-310.01 Generally

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

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
	LOT DIMENSIONS						BUILDING ON LOT				BUILDING		
Zoning District	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Front Setback (min) **	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
RP	10 acres		0.1	--	--	--	15	--	5	--	35/2- 1/2	--	--
RE	43,560		1	100	120	--	15	--	5	30	35/2- 1/2	--	--
R-20	20,000		2	65	90	--	10	--	5	30	35/2- 1/2	--	--
R-6 ¹	6,000		7	30	50	150	10	--	5	20	35/2- 1/2	--	--
R-5 ¹	5,000		9	30	45	150	10	--	5	20	35/2- 1/2	--	--
R-4 ¹	4,000		11	20	35	150	10	--	5	20	35/2- 1/2	--	--
R-3 ¹	3,000 ⁷		--	15	20	--	10	35	5	10	35/3	70% of lot area	--
RM-6 ¹	6,000		7	15	15	150	10	--	5	20	35/2- 1/2	--	--
RM-5 ¹	5,000		9	15	15	100	10	--	5	10	35/2- 1/2	--	--
RM-4 ¹	4,000		11	15	15	80	10	--	5	10	35/2- 1/2	--	--
MF-18 ^{1, 4}	--		18	50	50	--	--	20 ^{3, 4, 6}	5	10	35	--	--
"MF-25" ^{1, 4, 8}	--		25	50	50	--	--	20 ^{3, 4, 6}	5	10	35	--	--
"MF-33" ^{1, 4, 8}	--		33	50	50	--	--	20 ^{3, 4, 6}	5	10	45	--	--
"MF-40" ^{1, 4, 8}	--		40	50	50	--	--	20 ^{3, 4, 6}	5	10	60	--	--
"MF-50" ^{1, 4, 8}	--		50	50	50	--	--	20 ^{3, 4, 6}	5	10	--	--	--
O-1	--		--	50	50	--	--	35	20 ²	30 ²	25	10,000	90,000
O-1.5	--		--	50	50	--	--	35	20 ²	30 ²	60	--	--
O-2	--		--	50	--	--	25	80	20 ²	30 ²	--	--	--
"NC"	--		--	20	--	--	--	15	10 ²	30 ²	25	3,000	--
C-1	--		--	50	50	--	--	20	10 ²	30 ²	25	5,000	15,000
C-2	--		--	20	--	--	--	--	10 ²	30 ²	25	--	--

C-2P			--	20	--	--	--	35	10 ²	30 ²	25	--	--
C-3	--		--	20	--	--	--	--	30 ²	30 ²	35	--	--
D	--		--	--	--	--	--	20	--	--	--	--	--
L				80	--	--	25	--	30 ²	30 ²	35	--	--
I-1	--		--	80	80	--	30	--	30 ²	30 ²	60	--	--
I-2	--		--	100	100	--	30	--	50 ²	50 ²	60	--	--
URBAN DEV													
UD- Single- family	--	10,000	--	15	15	150	<u>10</u> <u>15</u>	20	0	10	35/2- 1/2		
UD-Multi- family-15	--	--	15	50	50	--	<u>10</u> <u>15</u>	20	5	10	35		15 units
UD-Multi- family-33			33	50	50		<u>10</u> <u>15</u>	20	5	10			150 units
COMMER CIAL													
bldg > 90,000**		250,000				500	0	45 ^b	30 ²	30 ²			
UD Major Node bldg < 90,000**				20			0	<u>35</u> <u>15</u> ⁵	10 ²	30 ²	<u>35</u>		< 90,000
UD Minor Node bldg < 6,000**				20			0	<u>35</u> <u>15</u> ⁵	10 ²	30 ²	25	<u>6,000</u>	<6,000
RURAL DEV													
RD- Single- family	43,56 0		1	100	120		15		5	30	35/2- 1/2		
RD- Commerci al													
bldg > 90,000 sf**		250,000				500	0	35	30 ²	30 ²			
RD Major Node bldg < 90,000 sf**				20			0	35	10 ²	30 ²	25		< 90,000
RD Minor Node bldg < 6,000 sf**				20			0	35	10 ²	30 ²	25	<u>6,000</u>	<6,000
FARM AND RANCH													
FR- Single- family	25 acres*		0.04				15		5		35/2- 1/2		35/2- 1/2
FR-Ag Commerci al	25 acres*						15		5		35/2- 1/2		35/2- 1/2
FR Minor Node**			<u>50</u>					<u>10</u> ²	<u>30</u> ²			<u>6,000</u>	
FR Village Center	<u>2</u> acres			<u>300</u>					<u>10</u> ²	<u>30</u> ²			
MIXED INDUSTR IAL													
MI-1				80	80		***		30 ²	50 ²	60		

MI-1 Minor Node** MI-1 < 3,000-sf				50			***		10 ²	30 ²			6,000	3,000
MI-1 Village center	2 acres			300			***		10 ²	30 ²				
MI-2				100	100		***		50 ²	50 ²	150			
MI-2 Minor Node** MI-2 < 3,000-sf				50			***		10 ²	30 ²			6,000	3,000
MI-2 Village center	2 acres			300			***		10 ²	30 ²				

* Exception allowed for pre-existing lots of record.
** See regulations for location standards.
*** See Table 35-310.18-1 and 35-310.19 310.15-3 for minimum setback standards on specific street classifications.
**** Subdivision recreation facilities provided for the primary use of the subdivision's residents and located on property with a single-family zoning category shall be exempt from the front yard setbacks of Table 310-1.
Rules for Interpretation of Table 310-1:
Generally. The requirements for the parameters set forth in columns (B) through (N), above, relate to the zoning district specified in the row under column (A), above. A dash (--) indicates that the requirement does not apply within the particular zoning district. Except for column (B), (C), (D), (M), and (N) or otherwise notated the dimensions specified in columns (B) through (N) are expressed in linear feet. The dimensions specified in columns (B), (C), (D), (M), and (N) are expressed in square feet or acres unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the lot layout, height and density/intensity standards (sections 35-515 to 35-517 of this chapter).
Column (B) and (C): Minimum lot size column (B) and maximum lot size column (C) applies only to Conventional Option, single-family detached developments (see section 35-201 of this chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this section for minimum lot area.
Column (D): The maximum density requirements (column (D)) are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in section 35-515 of this chapter.
Column (E): Frontage is defined as the distance where a property line is common with a street right-of-way line. For irregular shaped lots, see subsection 35-515(c)(4).
Column (F): Minimum lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.
Column (G): Maximum lot widths apply only to detached single-family residential development.
Column (J): The side setback requirements in the "RM-4," "RM-5," "RM-6," "R-3," "R-4," "R-5" and "R-6" districts may be reduced in accordance with section 35-373 of this article. Additional setbacks are required for height increases as set forth in subsection 35-517(d).
Column (K): Rear setback requirements shall not apply to any use in the "NC," "O-1," "O-1.5," "O-2," "C-1," "C-2," or "C-3" zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-18," "MF-25," "MF-33," "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned single-family residential use shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.
Column (L): Height. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the declivity of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. All dimensions are in feet provided, however, that for zoning districts "RP" through "RM-4," the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Additional height may be provided pursuant to subsection 35-517(d).

Column (M): Dimensions are in square footage. See sections 35-310.17 and 35-310.18 for specific rules of interpretation. Additional square footage may be available if a specific use permit is approved, in accordance with these provisions.
Column (N): The aggregate square footage refers only to nonresidential square footage. Where residential uses are permitted, (1) the square footage of nonresidential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.
Note (1) - column (A): See sections 35-372, 35-373, 35-515, and 35-516 of this chapter for standards applicable to zero lot line dwellings and uses other than detached single-family dwellings.
Note (2) - columns (J) and (K): Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way. The indicated setback would not apply if the subject property adjoins a residentially zoned property (single-family or multi-family) which is occupied by an existing nonresidential use such as a public or private use school, church, park and/or golf course.
Note (3) - Public and parochial school facilities and religious institutions whose primary activity is worship shall be exempt from the mandatory maximum front setback provision.
Note (4) - Single-family lot development within an "MF" multi-family zoning district shall meet the minimum lot requirements for an "R-4" zoning district.
Note (5) - Maximum front setback for "RD" and "UD" commercial uses shall not apply to flag lots or properties with primary frontage on expressways and parkways.
Note (6) - For a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of twenty (20) feet in "MF-18", "MF-25", "MF-33", "MF-40", and "MF-50" may be extended to ninety (90) feet provided that no parking or drives other than egress/ingress drives shall be located within twenty (20) feet of the front property line. For a lot with less than fifty (50) feet of frontage on a public street the front setback shall be at least twenty (20) feet and shall be measured from the point at which the lot first becomes wider than fifty (50) feet in width.
Note (7) - May vary in accordance with subsection 35-410.05a(b)(3).
Note (8) - When multi-family units (apartments) are developed in a non-multifamily zoning district as stand alone apartments the buildings and lot shall conform to the standards of development (setback, yards, buffer, landscaping, etc.) for one of the following "MF-18", "MF-25", "MF-33", "MF-40" or "MF-50" zoning districts. The specific district shall be determined by the density to which the apartments are being developed.

* * * * *

Chapter 35, Article III, Section 35-310.06 is amended as follows:

35-310.06. "RM-6", "RM-5", and "RM-4" Mixed Residential.

* * * * *

(a) Lot and Building Specifications.

1. **Single lot RM- development.** When a single residential lot is rezoned to "RM-4", "RM-5" or "RM-6" after January 1, 2011 the maximum density requirements (units per acre) of Table 310-1 may be exceeded provided:

- a. The minimum lot size for the district is met, and
- b. The maximum number of dwellings is limited to two (2) units for RM-6, three (3) units for RM-5, and four (4) units for RM-4.

2. **Multiple lot RM- development.**

- a. **R-3 Lots Permitted.** In all multiple lot "RM-4", "RM-5" and "RM-6" districts fifteen (15) percent of the lots may be developed as "R-3" lots so long as they meet or exceed the minimum lot

criteria for "R-3" lots contained in section 35-310.05a of this chapter. Lots provided under this criteria shall only be used for the development and construction of single-family attached dwellings, single-family detached dwellings, townhouses, and zero-lot line houses (cottages and garden homes).

b. Minimum lot size.

- i) The minimum lot size provisions of Table 310-1 shall only apply to single-family detached dwellings.
- ii) Maximum density requirements of Table 310-1 shall apply during review of RM- zoned development using the gross area definition for multiple lot subdivisions.

(b) Development requirements for ten or more lots.

- (1)** Development of ten (10) or more "RM-6", "RM-5", and "RM-4" mixed residential lots in any one project shall have no more than eighty (80) percent of the lot consisting of one (1) type of housing as outlined in (2) below. The remaining twenty (20) percent of the lots may be developed in any combination of one (1) or more of the housing types not used in the eighty (80) percent limit defined above.

- (2)** Where development of ten (10) or more "RM-6", "RM-5", and "RM-4" mixed residential lots in any one project is planned pursuant to a Housing Site plan the housing types listed below shall be subject only to the density restrictions in the zoning district (Table 310-1, column (C)) and shall not be subject to the front, side and rear setback requirements of Table 310-1 (section 35-310.01 of this chapter):

- A. Single-family attached dwellings.
- B. Duplexes.
- C. Triplexes.
- D. Quadrplexes.
- E. Townhouses.
- F. Zero-lot line houses.
- G. Cottages.
- H. Housing facilities for older persons.

- (3) Housing Site Plan (HSP) Required.** RM-zoning requires an approved HSP for all the lots that make up any development of ten (10) or more lots

with RM- zoning.

a. Requirement for site plan:

i. "RM-6", "RM-5", and "RM-4" mixed residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of subsections (b) and (c) ~~(a) above~~ which will be utilized as the basis for issuing building permits. The housing site plan shall ~~may~~ be submitted in accordance with subsection (c) one (1) or two (2) formats. ~~The first is by notation of the housing type for each lot in a table or second by a site plan to the same or larger scale as the plat designating housing type for each lot.~~ The housing site plan shall be recorded with the plat.

ii. Existing platted property zoned "RM-6", "RM-5", and "RM-4" mixed residential shall submit a housing site plan (HSP) if the number of lots in the project includes ~~exceed~~ ten (10) or more units.

b. Contents. The HSP must be reviewed and meet the requirements of mixed residential for percentage of housing types. This HSP must be submitted with the platting process for review and approval and be then included with the application package for the first building permit(s). A proposal for all one type of development on ten or more lots is an automatic disapproval of the HSP and disapproval of the plat or building permit. The HSP shall be recorded with the plat and subsequent amendments may be approved through the amending plat process. The HSP shall provide the following information:

1. Gross density calculation.
2. Site zoning district(s), a HSP is not required for PUD districts.
3. Percentage of lots to be reviewed under R-3 zoning, if applicable.
4. Lots must meet the 80%/20% criteria of §35-310.06(b).
5. Legal description of all lots, if not available from the attached plat.
6. Existing and proposed easements.
7. Approximate building footprints.
8. Building setbacks.
9. Approximate driveway locations.
10. Building heights.
11. Indication of street frontage requirements and minimum lot width.
12. Owner/Developer Name and Address.
13. Engineer Name and Address.
14. Plat name and ID number.

~~(1) Where permitted in any residential mixed district (e.g., "RM-6", "RM-5", or "RM-4"), the housing types listed below shall be subject only to the density restrictions in the zoning district (Table 310-1, column (C)) and shall not be subject to the front, side and rear setback requirements of~~

~~Table 310-1 (section 35-310.01 of this chapter):~~

- ~~_____ A. _____ Single family attached dwellings.~~
- ~~_____ B. _____ Multi-family (subject to the Use Matrix, Table 311-1).~~
- ~~_____ C. _____ Duplexes.~~
- ~~_____ D. _____ Triplexes.~~
- ~~_____ E. _____ Quadraplexes.~~
- ~~_____ F. _____ Townhouses.~~
- ~~_____ G. _____ Zero lot line houses.~~
- ~~_____ H. _____ Cottages.~~
- ~~_____ I. _____ Housing facilities for older persons.~~

~~(2) _____ The provisions of Table 310-1 shall only apply to single family detached dwellings.~~

* * * * *

Chapter 35, Article III, Section 35-310.08 is amended as follows:

35-310.08. "NC" Neighborhood Commercial.

(b) General Provisions.

(1) Generally.

- C. Outside dining with consumption of alcoholic beverages incidental to food sales for restaurants are permitted subject to the following conditions: (1) no permanent structures shall be placed within the required-yard setbacks; (2) no live entertainment or amplification shall be permitted outside; and (3) a six-foot solid screen fence shall be erected and maintained adjacent to all residentially zoned property.

* * * * *

Chapter 35, Article III, Section 35-310.10 is amended as follows:

35-310.10. "C-1", "C-2", "C-2P", and "C-3" Commercial Districts.

(a) Commercial.

- (1) **Lot and Building Specifications.** See subsections (a)(1), (b)(1), (c)(1) and (d)(1), below. In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each commercial district. Individual buildings shall not exceed the maximum square footage established in column (B) of Table 310.10-1~~310.18-1~~. Buildings on lots adjoining on the same side of a block face shall not exceed the maximum square footage established in column (C) of Table 310.10-1. Buildings shall conform to the design standards established in column (D) of Table 310.10-1.

Chapter 35, Article III, Table 310.10-1 is amended as follows:

Table 310.10-1

(A) District	(B) Maximum Building Size (sf) (Individual)	(C) Maximum Building Size (sf) (Aggregate)	(D) Design Standards
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
C-2P	N/A	N/A	RP, F
C-3	N/A	N/A	N

Key:

"Aggregate" refers to the total square footage located within a contiguous district.

"RP" means that parking shall be located in the rear of the principal use or principal building.

"F" means that buildings shall contain ground level fenestration (transparent windows and openings at street level) which conform to the commercial urban design standards, subsection ~~35-204(o)(6)~~~~35-203(o)(6)~~ of this chapter.

"N" specific standards are not required, but may be imposed as a condition of granting a specific use authorization ~~permit~~ consistent with the criteria established in section 35-423 of this chapter.

Chapter 35, Article III, Section 35-310.15 is amended as follows:

35-310.15. "UD" Urban Development District.

(a) "UD" Uses and Conditions.

Applicability. No building permit for new construction shall be issued unless the application is accompanied by an approved flex district site plan. The flex district site plan shall be submitted prior to, or in conjunction with, an application for a building permit for new construction. The site plan shall include all property within the boundaries of the overall development project or the development project phase in which the property that is the subject of the building permit application is located and shall be submitted to the planning and community development director for review. The director shall review the submitted flex district site plan for compliance with the flex district standards and issue or deny a certificate of compliance to the applicant within ten (10) working days. An approved flex district site plan shall be submitted with all subsequent building permit applications for all property included in the flex district site plan. The flex district site plan shall contain the following information:~~Flex district development applications (MDP, plat and building plans) shall be accompanied by a site plan that shows the following information:~~

- A. Use: location, acreage, notation of restrictions based on use-type.
- B. Circulation: Street type and location must be indicated. Typical right-of-way ~~Right-of-way~~ and pavement cross-sections must be provided that indicate travel lane width, bike lane, and on-street parking within pavement width, and vegetation and sidewalk widths within remaining right-of-way. Approximate parking locations ~~Parking location~~ and pedestrian walkways to commercial buildings must be indicated.
- C. Block lengths must be indicated on plan.
- D. Vegetative buffers and building setbacks shall be indicated or notated on plan.
- E. Housing mix pursuant to subsection 35-310.15(a)(1)A.
- F. Indicate housing units that will have front porches pursuant to subsection 35-310.15(a)(1)E.
- G. Conservation easements

The urban development district "UD" is a mixed-use district that allows for development under the dimensional standards indicated in section 35-310, Table 310-1, unless stated otherwise in this section.

All permitted and specifically permitted uses for "UD" districts are enumerated in section 35-310, Table 311-1a, Residential Use Matrix and Table 311-2a, Nonresidential Use Matrix.

(1) Single-Family Project Over Five (5) Acres Residential Uses.

A. Housing Mix Requirement. Residential development projects in excess of five (5) acres shall be required to include at least three (3) housing types from the list of residential types [table 209-5b], with each housing type comprising at least five (5) percent of the total residential units included in each development project or development project phase if there are multiple phases. Residential development projects in excess of five (5) acres shall be required to include a diversity of housing types.

1. ~~Single-family dwellings shall compose thirty (30) percent to eighty (80) percent of the total number of dwelling units with at least ten (10) percent from each of the following three (3) categories:~~

~~a. Single-family detached dwellings on six thousand (6,000) to ten thousand (10,000) square foot lots.~~

~~b. Single-family dwellings on five thousand (5,000) to five thousand nine hundred ninety-nine (5,999) square foot lots.~~

~~c. Single-family detached dwellings on four thousand (4,000) to four thousand nine hundred ninety-nine (4,999) square foot lots.~~

2. ~~Other housing types shall compose twenty (20) percent to seventy (70) percent of the total number of dwelling units with a minimum of five (5) percent each of at least three (3) of the following seven (7) categories:~~

~~a. Duplexes.~~

~~b. Triplexes or quadraplexes.~~

~~c. Cottages.~~

~~d. Zero-lot line or garden home.~~

~~e. Townhouses.~~

- _____ f. _____ Dwellings above nonresidential space.
- _____ g. _____ Multi-family (more than four (4), less than fifteen (15) dwelling units per building)
- _____ 3. _____ No block face shall have more than fifty-five (55) percent duplexes, triplexes, quadruplexes, and/or multi-family units.
- _____ 4. _____ See illustration of housing types in Figure 310.15-1.

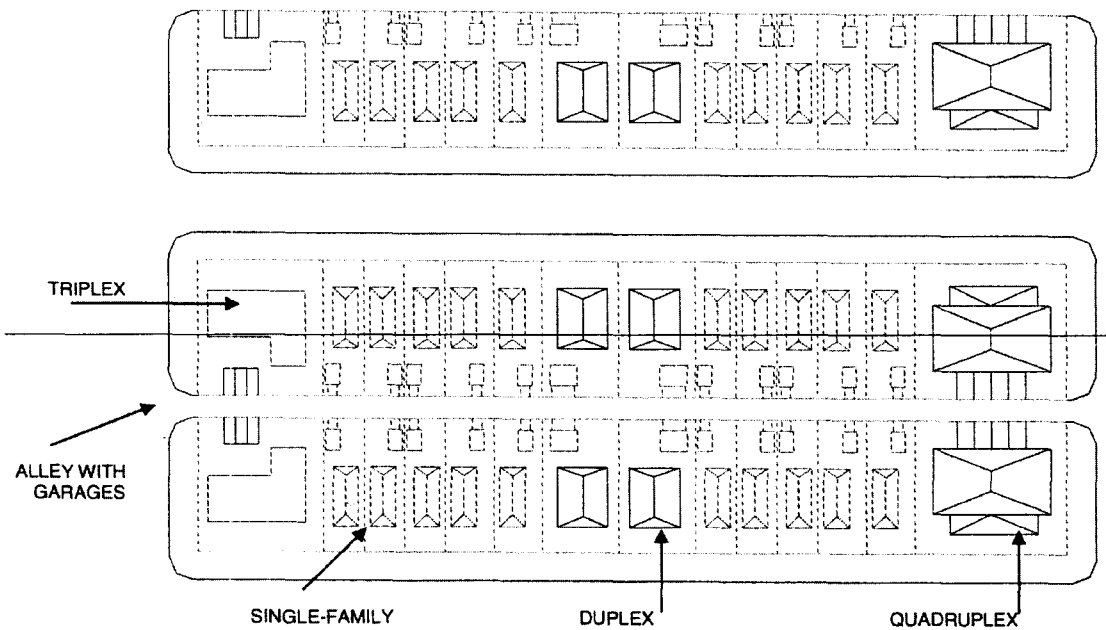


Figure 310.15-1

- B. Parking courts, carports, and garages shall extend no closer to the front lot line than the street wall façade of the habitable portion of the dwelling. Doors for front-entry garages on the street façade shall be integrated into the design of the structure. Parking (whether provided by a parking court, carport or garage) for at least seventy (70) percent of the residential lots in a subdivision or MDP shall meet the following setback requirements:

- _____ 1. _____ Parking (whether provided by a parking court, carport or garage) less than fifteen (15) feet wide shall be set back at least fifteen (15) feet behind the adjacent front facade.
- _____ 2. _____ Parking (whether provided by a parking court, carport or garage) greater than fifteen (15) feet or wider shall be set back at least twenty (20) feet behind the adjacent front

façade.

- ~~3. For the remainder of the lots (maximum thirty (30) percent of the lots), parking areas (whether provided by a parking court, carport or garage) shall be set back at least thirteen (13) feet behind the adjacent front façade.~~
- ~~4. For lots with an area six thousand (6,000) square feet or less and/or a street frontage fifty (50) feet or less, fifty (50) percent shall meet the requirements of B.1., 2. and 3. above.~~

C. Residential Driveways.

1. In the "UD" zoning district, residential driveways shall be no wider than eighteen (18) feet. ~~driveway aprons shall be no wider than fifteen (15) feet and driveways shall be no wider than twelve (12) feet until they are five (5) feet past the adjacent front building face.~~
2. For residential projects built under the universal design ordinance in the UD zoning district, residential driveways shall be no wider than twenty (20) feet. ~~and aprons shall be permitted a minimum of thirty-six (36) inches of additional width up to a maximum of twenty (20) feet of driveway width until they are five (5) feet past the adjacent front building face.~~
3. ~~If a front porch exists and is attached to the main structure, then the front building face shall be measured the front edge of the support column of the front porch.~~
4. ~~All driveways shall be constructed in accordance with the City of San Antonio Sidewalk and Driveway Design and Construction Guidelines.~~

D. All dwelling units shall have a front entrance articulated by a covered front entry at the front of the house.

E. At least seventy (70) percent of the single-family housing units along a single block face shall front the street and have front porches of at least eight (8) feet in depth along at least fifty (50) percent of the entire front façade of the house, including the garage width. For single-family housing units with a front-entry double-width garage on lots that are fifty (50) feet wide or less, the porch shall be at least eight (8) feet deep along 100% of the front façade

of the house, excluding the garage width.

- F.⁽¹⁾ ~~Single-family For single-family housing units without an alley access the front building setback for single-family residential uses shall be located in a "build-to zone" defined by located with a minimum front building setback of ten (10)fifteen (15) feet from the right-of-way and a maximum front building setback of twenty (20) feet from the right-of-way. For single-family housing units with alley access the front building setback for single-family residential uses shall be located in a "build-to zone" located with a minimum front setback of ten (10) feet from the right-of-way and a maximum of fifteen (15) feet from the right-of-way.~~

⁽¹⁾Exceptions to F. above may be allowed on up to five (5) percent of the lots if site physical constraints cannot be overcome.

- (2) Multi-Family Residential Uses. Multi-family (apartment) units may be built on any "UD" district zoned property with the following limits:
- A. Multi-family units may be constructed along any major thoroughfare arterial on the city's major thoroughfare plan, or main street or boulevard, as defined by this chapter at a density of thirty-three (33) units per acre, ~~not to exceed one hundred fifty (150) total units per block, and an average lot depth no greater than four hundred (400) feet. Subsection 35-514(e) pertaining to fences for uses adjoining certain residential districts shall not apply.~~
 - B. Multi-family units may be constructed along a collector or avenue not to exceed a density of fifteen (15) units per acre, ~~not to exceed fifteen (15) total units per block. Subsection 35-514(e) pertaining to fences for uses adjoining certain residential districts shall not apply.~~
 - C. The front entries of all ground floor multi-family units adjacent to a collector or arterial street shall be oriented toward the street.
- (3) Commercial Uses.

- A. Major Node. Permitted uses, as indicated in the "UD" major node column of Table 311-2a, Nonresidential Use Matrix, shall be located fronting on and within one-quarter (1/4) mile of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) or within one-half (1/2) mile of the intersection of the centerlines of any two (2) major thoroughfares when one or more of these major thoroughfares is an expressway as defined by the city's major

thoroughfare plan, Table 506-1 and Table 506-2.

B. Minor Node. Permitted uses, as indicated in the “UD” minor node column of Table 311-2a, Nonresidential Use Matrix, shall be located fronting on and within one-eighth (1/8) mile of the intersection of the centerlines of any two (2) collector streets or avenues as defined by the city’s major thoroughfare plan, Table 506-1 and Table 506-2. No drive-through uses/windows are allowed. Maximum building size for an individual building shall not exceed six thousand (6,000) square feet.

C. Civic uses, as defined by this chapter, shall be permitted along any local street, avenue, main street, boulevard, or parkway (or conventional street classification equivalent).

~~A. Individual commercial structures with uses permitted in Table 311-2a, Nonresidential Use Matrix, with a building footprint of ninety thousand (90,000) square feet or greater shall be located fronting on and within five hundred fifty (550) feet of the intersection of the centerlines of two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city’s major thoroughfare plan, Table 506-1 and Table 506-2. Commercial buildings shall front public streets.~~

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

~~B. Individual commercial structures with uses permitted in Table 311-2a, Nonresidential Use Matrix, with a building footprint of less than ninety thousand (90,000) square feet shall be located fronting on and within eight hundred fifty (850) feet of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city’s major thoroughfare plan, Table 506-1 and Table 506-2. Commercial buildings shall front public streets.~~

~~C. Commercial structures with uses permitted in Table 311-2a with an aggregate building footprint of six thousand (6,000) square feet or less are allowed on any property located fronting on and within two hundred (200) feet of the intersection of the centerlines of any two (2) collector streets or avenues as defined in Table 506-1 and Table 506-2. No drive-through uses/windows are allowed.~~

~~D. For nonresidential property adjacent to a main street, avenue, or local street, the maximum allowable setback shall be fifteen (15)~~

~~feet. Property adjacent to an expressway or parkway shall be exempt from the maximum setback.~~

(b) "UD" Blocks, Lots, Streets, Sidewalks, Parking and Loading Design. All blocks, lots, streets and sidewalks shall be designed in accordance with article V of this chapter with the following exceptions: (Where the provisions of this section conflict with article V the provisions of this section shall apply.)

- (1) Blocks. All blocks shall have an average length not exceeding six hundred (600) feet and no single block shall exceed a maximum length of eight hundred (800) feet. Block length shall be measured from street right-of-way to street right-of-way, or where applicable, from street right-of-way to an alley or unplatted parcel. Maximum average block length and maximum block length shall not apply to block lengths abutting expressways, as defined by the city's major thoroughfare plan. Civic uses, as defined by this chapter, shall be exempt from the maximum average block length and maximum block length requirements.
- (2) Lots.
 - A. All lots shall comply with the dimension provisions of Table 310-1.
 - B. Pre-existing lots - The property owner may elect to develop a residential unit on a lot of record existing prior to the adoption of this ordinance on August 28, 2003 under the lot and setback standards referenced in Table 310.15-1, provided that the property is developed in accordance with "Article IV Procedures, Division 4 Subdivisions" of this chapter.

Table 310.15-1
Dimension Alternative for Pre-Existing Lots

Lot Size	Front Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)
4,000 "R-4"	10	5	20	35 ft./2 1/2 stories
5,000 "R-5"	10	5	20	35 ft./2 1/2 stories
6,000 "R-6"	10	5	20	35 ft./2 1/2 stories
20,000 "R-20"	10	5	30	35 ft./2 1/2 stories
43,560 "RE"	15	5	30	35 ft./2 1/2 stories
10 acres "RP"	15	5	-	35 ft./2 1/2 stories

- (3) Streets.
 - A. All streets and alleys shall be built to the traditional design classification categories described in subsection 35-506(c) (Table 506-2) and standards in subsection 35-506(d) (Table 506-4).

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

- B. No gated streets or developments are allowed.
- C. All streets shall have an internal connectivity ratio of 1.7. The formula for calculating the ratio is found in subsection 35-506(e).

Reference: Subsection 35-506(e) Transportation and Street Design: Connectivity. Current standards require a connectivity of 1.2.

- D. Access points for commercial uses may be no greater than thirty (30) feet in width unless driveway is located at a signalized intersection. Shared driveway approaches between adjacent properties are permitted.

Reference: Subsection 35-506(r) Transportation and Street Design: Access and Driveways.

(4) Sidewalks and Pedestrian Circulation for Commercial Uses.

- A. At least one (1) direct pedestrian route shall be provided within the parking lot from the building to the furthest edge of the parking lot. The pedestrian route shall be separated from the parking stalls and drive lanes with a combination of landscaping and edging to protect pedestrians from the vehicular traffic flow in the parking lot. Where the pedestrian route crosses drive lanes the pedestrian path shall be clearly striped to warn vehicle drivers of the pedestrian crossing.
- B. Direct access from the public sidewalk shall be provided into buildings, unless the building fronts a plaza, green, or courtyard.

(5) Parking and Loading.

- A. Minimum parking space provisions shall not apply.

Reference: Section 35-526 Parking and Loading Standards.

- B. No more than fifty (50) percent of the off-street parking area shall be located within the street yard of the front entrance of the building. This requirement shall not apply to flag lots.

* * * * *

Reference: Section 35-503 Parks and Open Space Standards.

(d) **"UD" Nonresidential Building/Site Design.**

- (1) Facades. Windows and clearly marked public entries that allow for visibility into the commercial building from the street shall be provided along at least fifty (50) percent of the length of the first floor street facade frontage and calculated as the area between the first floor and the first floor ceiling or to a height of fifteen (15) feet, whichever is less. Automobile service bay openings shall be included with windows and public entries in the calculation of the window/public entry facade requirements.

* * * * *

(e) **Signs.** The provisions of chapter 28 of the City Code pertaining to signs and billboards shall apply, provided that in the event of a conflict between the provisions of this section and chapter 28, the provisions of this section shall apply. No provision in this section shall be construed to prohibit a sign master plan agreement as defined by section 28-244 of the City Code.

Reference: Chapter 28 of the City Code contains regulations regarding signs and billboards.

- (1) Signs shall only advertise a service, product or business on the site on which the sign is located.
- (2) Signs shall be designed to be compatible in style and character with the primary structure on the site. Trademark signs are allowed subject to the other provisions of this section.
- (3) No florescent colored, reflective surfaces, blinking lights and/or rotating or moving parts shall be permitted on a sign.
- (4) Wall signs. The maximum allowable sign area, as a percentage of the area of each building elevation, for attached signs along all street frontage is contained in Table 310.15-2, provided that each occupancy that has a separate and distinct public entrance located on a collector street ~~an arterial Type B street~~ shall be allowed a minimum of fifty (50) square feet of sign message area. Each occupancy that has a separate and distinct public entrance located on an arterial Type A or Type B street shall be allowed a minimum of seventy-five (75) square feet of sign message area, and each occupancy that has a separate and distinct public entrance located on an expressway shall be allowed a minimum of one hundred (100) square feet of sign message area.

Table 310.15-2
Maximum Attached Sign Message Area for Nonresidential Uses

Street Type	Maximum Attached Sign Message Area
Avenue or Collector	10%
Arterial Type B	15%
Arterial Type A and Type B or Boulevard and Main Street	
Cabinet sign	10%
Channel letters raised or incised	15%
Painted or flat sign	15%
Expressway or Parkway	
Cabinet sign	15%
Channel letters raised or incised	20%
Painted or flat sign	15%

- (5) Freestanding Signs. One free-standing monument sign shall be permitted per parcel or platted lot for permitted uses subject to the height and message area limitations contained in Table 310.15-3. ~~One (1) monument sign not to exceed six (6) feet in height and thirty two (32) square feet of sign area per side for single tenant sign, or eight (8) feet in height and fifty (50) square feet of area per side for a multi-tenant sign shall be permitted per parcel or platted lot.~~

Table 310.15-3
Maximum Freestanding Sign Height and Message Area for Nonresidential Uses

Street Type	Maximum Freestanding Sign Height (ft)	Maximum Freestanding Sign Message Area (SF)
Avenue or Collector		
Single Tenant	6	32
Multiple Tenant	8	50
Arterial Type B or Main Street		
Single Tenant	6	32
Multiple Tenant	8	50
Arterial Type A or Boulevard		
Single Tenant	6	32
Multiple Tenant	8	50
Expressway or Parkway		
Single Tenant	35	200
Multiple Tenant	40	250

* * * * *

(f) "UD" Buffers.

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

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

- (2) Any property adjoining a collector, primary or arterial street, or freeway must comply with the minimum vegetative bufferyard requirements set forth below in Table ~~310.15-4~~310.15-3. No fence or wall can be substituted for the vegetative bufferyard requirement. A Type N buffer may be substituted for the bufferyard requirement to encourage the preservation of natural vegetation.

Table ~~310.15-4~~310.15-3
Street Classification and Vegetative Buffers

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

* As described in Table 506-1, Table 506-2, and the major thoroughfare plan.

** Only applicable to “MI-1” and “MI-2” districts. ~~MI-1 district.~~

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

- (3) Buffer requirements for adjoining uses or zoning districts are set forth below in Table ~~310.15-5~~310.15-4.

Table ~~310.15-5~~310.15-4
Adjoining Use Buffers

Use or Zoning District	Adjoining Use or Zoning District									
	SF	MF < or = 15 du	MF > 15 du	C - O < 3,000*	C - O 3,001–10,000*	C - O 10,001–45,000*	C - O 45,001–90,000*	C - O > 90,000*	L, I-1, I-2	MI-1, MI-2
SF	NA	A	B	A	B	C	D	E	F	F
MF < or = 15 du	A	NA	B	A	C	C	C	E	F	F
MF > 15 du	B	B	NA	A	C	C	C	D	F	F
C - O < 3,000*	A	A	A	NA	A	B	B	B	E	E

C - O 3,001-- 10,000*		B	C	C	A	NA	NA	NA	NA	D	D
C - O 10,001- - 45,000*		C	C	C	B	NA	NA	NA	NA	C	C
C - O 45,001- - 90,000*		D	C	C	B	NA	NA	NA	NA	C	C
C - O > 90,000*		E	E	D	B	NA	NA	NA	NA	C	C
L, I-1, I-2		F	F	F	E	D	C	C	C	NA	NA
MI-1		F	F	F	E	D	C	C	C	NA	NA
MI-2		F	F	F	E	D	C	C	C	NA	NA
* Commercial or office aggregate building footprint											
Type N or "Option" buffers may be utilized											

Reference: Section 35-510 Landscaping and section 35-523 Tree Preservation. Table 510-1 lists buffer requirements between zoning districts and adjoining streets.

* * * * *

(h) "UD" Master Plan Consistency. Application of the "flex" districts shall be consistent with the city council adopted master plan governing the subject area. Within the "flex" district, a landowner may develop any parcel or combination of parcels greater than twenty (20) acres in size as a flexible development plan ("FDP") if such "FDP" complies with the goals and objectives of the city's comprehensive master plan and the development standards and criteria set forth below. The use of an "FDP" under this provision shall be considered in compliance with the adopted master plan and requires only ministerial approval of the flexible development plan (section 35-412) by the planning and community development services director if it meets the criteria in Table 310.15-6310.15-5.

* * * * *

**Table 310.15-6310.15-5
Flex Development Plan Option**

Applicable UD Standards	TND Pattern:	Mixed-Use Pattern:			
Uses	All Flex Districts	UD	RD	FR	MI-1 and MI-2

(a)	Residential	<u>Permitted, except no residential uses permitted in MI-1 and MI-2 and no multi-family uses permitted in FR</u> <u>TND standards apply</u> <u>No residential uses allowed in "FR", "MI-1" or "MI-2".</u>	Residential uses are permitted UD flex standards apply if residential uses are built	Both single-family and multi-family uses are permitted Single-family maximum at two (2) dwelling units per acre Multi-family uses shall not exceed twenty (20) twenty-five (25) percent of the total acreage at twenty-five (25) dwelling units per acre	Residential density shall not exceed one (1) dwelling unit per five (5) acres Multi-family uses are not permitted	<u>No single-family or multi-family uses are permitted</u> <u>No residential uses are permitted</u>
		Live-work units allowed	Live-work units allowed	Live-work units allowed	Not applicable	
(b)	Commercial	TND standards apply	Location: Buildings with footprint > 90,000 are allowed only at intersection of interstate highway and primary arterial (boulevard) or higher classification			
			Setback standards apply			
(c)	Parks and Open Space	TND standards apply	All UD flex district standards apply			Not applicable. (MI-standards are applicable)
(d)	Building/Site Design	TND standards apply	All UD flex district standards apply			
(e)	Signs	All UD flex district standards apply				
(f)	Buffers	All UD flex district standards apply, except for uses adjoining collector streets in UD, RD, and FR districts and arterial streets in UD districts	All UD flex district standards apply, except for uses adjoining collector and arterial streets	All UD flex district standards apply except for uses adjoining collector streets.	All UD flex district standards apply	
(g)	Resource Protection	All UD flex district standards apply			MI-2 Standards Apply	
(h)	Petroleum and Gas	All UD flex district standards apply				
(i)	Blocks, Streets, and Parking					
	(c)(1) Blocks	TND standards apply	UD flex standards apply	UD flex standards apply for multi-family	Not applicable	
	(c)(2) Lots	Lot dimensions are not applicable (developer not choosing to utilize pre-existing lot standards)				
	(c)(3) Streets	TND standards apply	UD flex standards apply	UD flex district standards apply except connectivity ratio shall be 1.5 and collectors exempt from traditional street design standards	UD flex district standards apply except exempt from traditional street standards of UDC, and connectivity ratio does not apply	
	(c)(4) Sidewalks and Pedestrian Circulation	TND standards apply	All UD flex district standards apply			
	(c)(5) Parking and Loading	TND standards apply	All UD flex district standards apply			

Applicable MI-1 Standards	TND Pattern:	Mixed-Use Pattern:
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	Standards Referenced in MI-1 District	All Flex Districts	UD	RD	FR	MI-1 and MI-2
(a)	(c) (3) Minimum building setback requirements.	Applies to MI-1 district only	Not applicable (industrial uses not allowed)			MI-1 flex standards apply
(b)	(c) (4) Wireless communication transmission tower setback	MI-1 flex standards apply				
(c)	Parks and Open Space	Not applicable (industrial uses not allowed)				MI-1 flex standards apply
(d)	(e) Building Design and Articulation	Applies to MI-1 district only	Not applicable (industrial uses not allowed)			MI-1 flex standards apply

* * * * *

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

Sec. 35-310.16. "RD" Rural Development District.

* * * * *

(a) "RD" Uses and Conditions.

* * * * *

(1) Single-Family Residential Uses.

- A. Single-family development projects shall have a minimum lot size of forty-three thousand five hundred sixty (43,560) square feet (one (1) acre) unless otherwise permitted below.
- B. A density bonus shall be allowed when property is developed as a conservation subdivision pursuant to section 35-203 and subject to the following requirements:
 1. A minimum percentage of the property as specified in column B of Table 310.16-1 is contained within a conservation easement for agricultural land, ranch land, or open space. The easement shall be dedicated and maintained as required by section 35-203.
 2. The remainder of the property may be developed up to the maximum density specified in column C of Table 310.16-1.
 3. Residential units shall be developed in accordance with the lot layout standards in section 35-203(f).

4. Up to five (5) percent or five (5) acres (whichever is less) of the conservation easement set aside may be designated as parks and open space if dedicated in accordance with section 35-503, and may be used to fulfill the parks and open space requirement.

**Table 310.16-1
Density Bonus Options within the “RD” Rural Development District**

A. Density Bonus Options	B. Minimum Percentage of Property in Conservation Easement	C. Maximum Density for Remaining Property
Option A	40%	9 dwelling units per acre
Option B	50%	12 dwelling units per acre
Option C	60%	18 dwelling units per acre

B. ~~A density bonus shall be allowed when property is developed as a conservation subdivision (section 35-203) subject to the following requirements:~~

1. ~~A minimum of fifty (50) percent of the property is contained within a conservation easement for agricultural land, ranch land, or open space. The easement shall be dedicated and maintained as required by section 35-203.~~
2. ~~The remainder of the property may be developed up to a maximum density of five (5) units per acre.~~
3. ~~The residential units shall be developed in conformance with the housing types and lot configuration referenced in Table 203-1, columns B and C.~~
4. ~~Up to five (5) percent or five (5) acres (whichever is less) of the conservation easement set aside may be designated as parks and open space if dedicated in accordance with section 35-503, and may be used to fulfill the parks and open space requirement.~~

Example: On a fifty (50) acre lot, this would result in a maximum density of one hundred twenty five (125) dwelling units on twenty five (25) acres with the remaining twenty five (25) acres in a conservation easement.

Comparison: A standard "RD" development would allow fifty (50) units on a fifty (50) acre lot compared to the one

~~hundred twenty-five (125) units allowed in a conservation subdivision.~~

Reference: Section 35-203 Conservation Subdivision. Includes Table 203-1 for acceptable lot configurations. Subsection (i) contains provisions for permanent primary and secondary conservation areas.

- (2) Multi-Family Residential Uses. Multi-family/apartment uses are not permitted in the "RD" district except as otherwise provided in section 35-310.16(a)(1)(B) of this chapter.

- (3) Commercial Uses.

A. Major Node. Permitted uses, as indicated in the "RD" major node column of Table 311-2a, Nonresidential Use Matrix, shall be located fronting on and within one-quarter (1/4) mile of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) or within one-half (1/2) mile of the intersection of the centerlines of any two (2) major thoroughfares when one or more of these major thoroughfares is an expressway as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2.

B. Minor Node. Permitted uses, as indicated in the "RD" minor node column of Table 311-2a, Nonresidential Use Matrix, shall be located fronting on and within one-eighth (1/8) mile of the intersection of the centerlines of any two (2) collector streets or avenues as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2. No drive-through uses/windows are allowed. Maximum building size for an individual building shall not exceed six thousand (6,000) square feet.

C. Civic uses, as defined by this chapter, shall be permitted along any local street, avenue, main street, boulevard, or parkway (or conventional street classification equivalent).

~~A. Commercial uses as indicated in Table 311-2a, Nonresidential Use Matrix, with an aggregate building footprint of ninety thousand (90,000) square feet or greater are permitted on any property located fronting on and within five hundred fifty (550) feet of the intersection of the centerlines of two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2.~~

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

- ~~B. Commercial uses as indicated in Table 311-2a, Nonresidential Use Matrix, with an aggregate building footprint of less than ninety thousand (90,000) square feet are allowed on any property located along and within eight hundred fifty (850) feet of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2.~~
- ~~C. Commercial uses as indicated in Table 311-2a with an aggregate building footprint of six thousand (6,000) square feet or less are allowed on any property located along and within two hundred (200) feet of the intersection of the centerlines of any two (2) collector streets or avenues as defined in Table 506-1 and Table 506-2. The depth shall be a maximum of one hundred fifty (150) feet. No drive-through uses/windows are allowed.~~
- ~~D. For nonresidential property adjacent to a main street, avenue or local street, a maximum allowable setback of fifteen (15) feet.~~

* * * * *

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

35-310.17. "FR" Farm and Ranch District.

* * * * *

(a) "FR" Uses and Conditions.

* * * * *

(3) Commercial Uses.

- A. Ag Commercial. Permitted uses, as indicated in the ag. commercial column of Table 311-2a, Nonresidential Use Matrix shall be permitted subject to the lot and building dimension standards contained in the "FR" Ag Commercial row of Table 310-1, Lot and Building Dimensions Table.
- B. Village Center. Permitted uses, as indicated in the "FR" village center/ minor node column of Table 311-2a, Nonresidential Use Matrix, shall be permitted in a village center constructed in accordance with the "MI-1" Village Center standards, section 35-310.18(a)(3).
- C. Minor Node. Permitted uses, as indicated in the "FR" village

center/ minor node column of Table 311-2a, Nonresidential Use Matrix shall be located fronting on and within one-eighth (1/8) mile of the intersection of the centerlines of any two (2) of the following: major thoroughfares (including boulevards, main streets and avenues), collector streets, and rural roadways as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2. No drive-through uses/windows are allowed. Maximum building size for an individual building shall not exceed six thousand (6,000) square feet.

~~(3) Commercial Uses. All nonresidential uses are enumerated in Table 311-2a, Nonresidential Use Matrix.~~

~~(4) Village Center Option. Table 311-2a indicates uses that may be permitted in a village center. The standards are the same as the "MI-1" district, section 35-310.18.~~

* * * * *

(h) "FR" Master Plan Consistency - (same as "UD" district, subsection 35-310.15(h), provided that the residential density is no more than one (1) dwelling unit per five (5) acres).

* * * * *

Chapter 35, Article III, Section 35-310.18 is amended as follows:

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

* * * * *

(a) "MI-1" Uses and Conditions.

Applicability (see subsection 35-310.15(a)).

The mixed light industrial district "MI-1" allows development in accordance with the dimension standards contained in section 35-310, Table 310-1, lot and building dimensions table.

(1) **Single-Family Residential Use.** Single-family residential uses are not permitted in an "MI-1" district except that dwelling units for on-site caretakers are allowed.

(2) **Multi-Family Residential Use.** Multi-family (apartment) uses are not permitted in the "MI-1" district.

(3) Village Center. ~~Commercial Uses. A village center is required.~~ Table 311-

2a indicates uses that ~~shall~~may be permitted, provided such sites are designed as a village center in accordance with the following standards:

- A. The minimum lot frontage requirement shall be three hundred (300) feet.
- B. The ground floor to area ratio (FAR) shall not exceed thirty-five (35) percent. The ground FAR shall include the plaza, square or public open space
- C. A minimum of three (3) individual buildings is required.
- D. A minimum of two (2) acres located on an arterial street or an expressway is required.
- E. Village centers shall not be located within a radius of forty-five (45) percent of the length of the roadway section between the intersection of two (2) major arterial streets or higher classification, whichever is greater, measured from the centerline where two (2) major arterial streets or higher classification streets intersect.
- F. Site plan(s) shall be pedestrian oriented with sidewalks and walkways connecting buildings, plazas and parking.
- ~~G. All buildings of village centers shall have their principal entrance opening to a plaza, green or other public open space.~~
- ~~G.H.~~ Shared internal driveway access is required.
- ~~H.I.~~ No parking shall be permitted in the front street yard.
- ~~I.J.~~ Parking shall be located at the sides and rear of buildings. Parking requirement shall be a minimum of one (1) space per five hundred (500) GFA.
- ~~J.K.~~ At least two (2) of the following pedestrian-oriented features shall be provided in the public open space area:
 - a. Seating,
 - b. Ornamental lamp posts, or
 - c. Native shade trees.
- ~~K.L.~~ At least two (2) of the following urban design features shall be

provided in the public open space area:

- a. Drinking fountains,
- b. A bandstand or a gazebo,
- c. Arbors,
- d. Awnings or canopies,
- e. Ornamental fountains,
- f. Trellises with native plants, or
- g. Beds of native plants.

L.M. The buildings of a village center shall be oriented around a green, plaza, or other public open space. Public open space shall not be less than five (5) percent of the total acreage. The five (5) percent requirement shall include only those sidewalks and walkways that adjoin or are located in the open space.

- (4) Minor Node. Permitted uses, as indicated in the "MI-1" minor node column of Table 311-2a, Nonresidential Use Matrix shall be located fronting on and within one-quarter (1/4) mile of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2. Maximum building size for an individual building shall not exceed six thousand (6,000) square feet. Exceptions to the Commercial Village Center. If the maximum building size does not exceed three thousand (3,000) square feet, auto and light truck repair, auto state vehicle inspection, gasoline station, convenience store, and restaurant uses may be located completely within two hundred fifty (250) feet from the intersecting centerlines of arterial streets, expressways, main streets, boulevards, or parkways.

(b) **"MI-1" Blocks, Lots, Streets, Sidewalks, Parking and Loading Design** (same as "RD" district, subsection 35-310.16(b) with the following exceptions:) (same as "RD" district), subsection 35-310.16(b) with the following exceptions:

- (1) Streets - (no additional standards required).
- (2) Parking and loading - (no additional standards required).
- (3) Minimum building setback requirements. In addition to the requirements set forth in section 35-310, Table 310-1, any property adjoining a collector

street, primary or secondary arterial street, or freeway must comply with the minimum setbacks in Table 310.18-1.

- (4) Wireless communication towers. All self-standing wireless communication transmission towers shall adhere to the minimum building setbacks set forth in Table 310.18-1.

**Table 35-310.18-1
Building Setback Requirements for MI-1 District**

Adjoining Street Classification*	Minimum Building Setback Requirement
Collectors or Avenues	30 feet from any property line adjoining a collector street
Primary and Secondary Arterials, Boulevards, and Main Streets	40 feet from any property line adjoining a primary or secondary arterial street
Freeways or Parkways	50 feet from any property line adjoining a freeway

* As described in Table 506-1, Table 506-2, and the major thoroughfare plan.

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

- (5) Off-Street Loading.

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

(c) **"MI-1" Parks and Open Space.** No park or open space dedication is required. Fifteen (15) percent of the site shall be retained in permanent open space with either undisturbed natural plant materials or maintained landscaped areas.

(d) **"MI-1" Building Design and Articulation.** Buildings within one hundred (100) feet of any public rights-of-way shall conform to the following standards:

- (1) Exterior Wall Finish for Nonresidential Buildings. ~~Exterior wall finish for nonresidential buildings.~~ Any exterior wall located partially or wholly within one hundred (100) feet from the edge of a public right-of-way ~~rights-of-way~~ shall be masonry except for doors, windows, and trim.

Masonry shall mean i.e., brick, stone, or stucco, or similar material. Stucco shall not comprise more than fifty (50) percent of the exterior finish.

- (2) Refuse Collection. ~~Refuse collection.~~ Refuse containers shall be located away from public rights-of-way and business entrances, must not interfere with traffic circulation or site parking, and shall be completely screened from public view with materials similar to or compatible with buildings located on the same site. Screening is not required for collection areas for industrial by-products located more than one hundred (100) feet from the right-of-way.
- (3) Mechanical Equipment and Appurtenances. ~~Mechanical equipment and appurtenances.~~ Cooling towers, vent stacks, ventilating fans, and other rooftop and ground-mounted mechanical units located partially or wholly within one hundred (100) feet from the edge of a public right-of-way ~~rights-of-way~~ shall be integrated into the design of the structure in a manner that is integral to the architectural form of the building.
- (e) **"MI-1" Signs** - (same as "UD" district). See subsection 35-310.15(e).
- (f) **"MI-1" Buffers** - (same as "UD" district). See subsection 35-310.15(f).
- (g) **"MI-1" Natural Resource Protection** ~~-(same as "MI-2" district). See subsection 35-310.19(g).~~
- (1) Riparian.
- A. Riparian protection buffer. The purpose of the riparian protection buffer shall be to:
- Protect natural stormwater management provided by rivers, creeks, and wetlands.
 - Protect surface water and groundwater quality.
 - Protect water-dependent aquatic and terrestrial wildlife corridors.
 - Maintain natural vegetation needed to protect the floodplain and provide wildlife habitat.
 - Protect wetlands under federal jurisdiction that exist within the floodplain buffer.
 - Protect the underlying aquifer.

Reference: Riparian buffers are not currently addressed in UDC. The floodplain (section 35-460 and Appendix "F") and the stormwater (section 35-504) regulations protect people and development from

the hazards of flooding. The riparian protection buffer is designed to enhance the natural function and beauty of the riparian area.

- B. A riparian protection buffer shall be a minimum of one hundred fifty (150) feet from both sides of the centerline of a waterway or the limit of the 100-year floodplain, whichever is greater.
- C. A single-family residential use is permitted in the riparian protection buffer when a plat is not required by V.T.C.A. Local Government Code Ch. 212.
- D. Clearing, grading, filling, or construction is permitted in the riparian protection buffer if such clearing, grading, filling, or construction complies with the provisions of Appendix "F", provided however, that rights-of-way for trails, streets or railroad lines needed to provide access to the property, and utility easements for water, sewer, stormwater, electric, or cable lines may be cleared. In no case shall these activities impacting the riparian protection buffer exceed more than twenty (20) percent of the total area of the buffer. The buffer area may be used for agriculture and ranch uses.
- E. A retention or detention facility may be located within a riparian protection buffer provided that it is of earthen construction and is screened with vegetative screening.
- F. In a riparian protection buffer where ongoing maintenance is required, drainage easements shall be maintained in accordance with section 35-504.
- G. Modifications to existing earthen channels and watercourses or newly created open channels or retention/detention facilities shall be designed to enhance the rural aesthetic character or habitat value and shall be constructed and maintained in accordance with section 35-504.
- H. The floodplain administrator may reduce the required riparian protection buffer area up to fifty (50) percent for:
 - 1. A single-family residence when a plat is not required by V.T.C.A. Local Government Code Ch. 212; or
 - 2. If the applicant demonstrates that the portion of the riparian protection buffer being reduced does not contain significant existing vegetative cover, such as protected native trees or wetlands, and the applicant provides one or more of the

following mitigation measures:

i. Enhanced vegetative cover provided in the remaining buffer area; or

ii. Earthen water breaks, drainage facilities or catch basins; or

iii. Erosion control and slope stabilization.

Reference: Section 35-203 Conservation Subdivision and section 35-503 Parks and Open Space Standards.

(h) "MI-1" Master Plan Consistency - (same as "UD" district, provided that no residential uses are permitted). See subsection 35-310.15(h).

(i) "MI-1" Performance Standards.

- (1) Mechanical Operations. All mechanical repairs shall be conducted inside a building or under a roof and screened from public view.
- (2) Air Pollution. All uses shall operate in compliance with the most current revision of the regulations of the Texas Commission on Environmental Quality codified in the Texas Administrative Code, Title 30, Chapter 101, "General Air Quality Rules."
- (3) Noise. All uses shall comply with the provision of chapter 21, article III of the City Code, Noise. ~~"Noise," and shall not create a noise nuisance as defined in article III of chapter 21.~~
- (4) 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 chapter. There shall not be emission or transmission of heat or heated air that is discernible at the boundary of the lot line.
- (5) 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 lot line.
- (6) Noxious Odors. No odors, other than those related to permitted emissions, that are discernible without the aid of instruments by a person of ordinary sensibilities shall be allowed beyond the boundary of the zoning district. ~~The unpermitted emission of any odors that are discernible without the aid of instruments shall be prohibited beyond the boundary of the lot line.~~
- (7) Toxic and Liquid Wastes. The discharge of any toxic or liquid waste

material, unauthorized by state or federal permit, into any outdoor watercourse or drainage way shall be prohibited. The terms "toxic material" and "liquid waste material" shall have the meanings ascribed to them in applicable laws, rules, and regulations. The discharge of any toxic or liquid waste material into any outdoor watercourse or drainageway without a permit is prohibited.

- (8) 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 city's adopted Uniform Fire Code and shall comply with the regulations promulgated by the Texas Commission on Environmental Quality and/or Texas Railroad Commission and other applicable laws governing such product storage and use. ~~All activities and all storage of flammable and explosive materials shall be provided with adequate safety and firefighting devices in accordance with the city's adopted Uniform Fire Code. The storage of petroleum and other flammable products is permitted only as required for incidental uses and is prohibited in aboveground tanks greater than twenty-five (25) gallons, unless otherwise constructed and registered in accordance with Texas Commission on Environmental Quality regulations governing such product storage and use.~~

* * * * *

- (11) **Industrial Waste Monitoring.** Upon request of the city fire department, the solid waste management city environmental services department, or San Antonio Water System, any person operating an activity within this district shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the district. Documentation that will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

* * * * *

Chapter 35, Article III, Section 35-310.19 is amended as follows:

Sec. 35-310.19. "MI-2" Mixed Heavy Industrial.

* * * * *

(a) "MI-2" Uses and Conditions.

* * * * *

- (4) Village Center. Table 311-2a indicates uses that shall be permitted in a village center. The standards are the same as the "MI-1" district, section 35-310.18. Commercial Village Centers. A village center is optional.

~~Table 311-2a indicates uses that may be permitted, provided such sites are designed as a village center in accordance with the following standards:~~

- ~~A. The minimum lot frontage requirement of village centers shall be three hundred (300) feet.~~
- ~~B. The ground floor to area ratio (FAR) of village centers shall not exceed thirty five (35) percent. The GFA shall include the plaza, square or public open space.~~
- ~~C. A minimum of three (3) individual buildings is required for village centers.~~
- ~~D. Village centers shall be no less than two (2) acres and shall be located on an arterial street or an expressway.~~
- ~~E. Village centers shall not be located within a radius of forty five (45) percent of the length of the roadway section between the intersection of two (2) major arterial streets or higher classification whichever is greater measured from the centerline where two (2) major arterial streets or higher classification intersect.~~
- ~~F. Site plan of village centers shall be pedestrian oriented with sidewalks and walkways connecting buildings, plazas and parking.~~
- ~~G. All buildings of village centers shall have their principal entrance opening to the plaza, green or other public open space.~~
- ~~H. Shared internal driveway access shall be required for village centers.~~
- ~~I. No parking shall be permitted in the front street yard of a village center.~~
- ~~J. Parking for village centers shall be located at the sides and rear of buildings. Parking requirement shall be a minimum of one (1) space per five hundred (500) feet of GFA.~~
- ~~K. At least two (2) of the following pedestrian oriented features of a village center shall be provided in the public open space area:~~
 - ~~1. Seating,~~
 - ~~2. Ornamental lamp posts, or~~
 - ~~3. Native shade trees.~~

- ~~_____ L. At least two (2) of the following urban design features shall be provided in the public open space area of a village center:~~
- ~~_____ 1. Drinking fountains,~~
- ~~_____ 2. A bandstand or a gazebo,~~
- ~~_____ 3. Arbors,~~
- ~~_____ 4. Awnings or canopies,~~
- ~~_____ 5. Ornamental fountains,~~
- ~~_____ 6. Trellises with native plants, or~~
- ~~_____ 7. Beds of native plants.~~
- ~~_____ M. The buildings of a village center shall be oriented around a green, plaza, or other public open space. Public open space shall not be less than five (5) percent of the total acreage. The five (5) percent requirement shall include only those sidewalks and walkways that adjoin or are located in the open space.~~

~~(5)N. Minor Node. Permitted uses, as indicated in the "MI-2" minor node column of Table 311-2a, Nonresidential Use Matrix, shall be located fronting on and within one-quarter (1/4) mile of the intersection of the centerlines of any two (2) major thoroughfares (including boulevards, main streets and avenues) as defined by the city's major thoroughfare plan, Table 506-1 and Table 506-2. Maximum building size for an individual building shall not exceed six thousand (6,000) square feet. Exceptions to the commercial village center. If the maximum building size does not exceed three thousand (3,000) square feet, auto and light truck repair, auto state vehicle inspection, gasoline station, convenience store, and restaurant uses may be located completely within two hundred fifty (250) feet from the intersecting centerlines of arterial streets, expressways, main streets, boulevards, or parkways.~~

(b) "MI-2" Blocks, Lots, Streets, Sidewalks, Parking and Loading Design.

Blocks, lots, streets, sidewalks, and parking and loading shall be designed in accordance with article V of this chapter with the following exceptions:

* * * * *

- (5) Off-Street Loading.

- A. Principal vehicle access to and from the site shall be from a primary driveway.
- B. All loading docks shall be located on the same lot as the building or use to be served. All loading docks located within two hundred fifty (250) feet of public right-of-way shall be located behind a building. Loading docks may be located at the sides of a building and within two hundred fifty (250) feet of public right-of-way if fully screened from public view. No loading docks shall be permitted in the required front yard-setback area.

(c) **"MI-2" Parks and Open Space** – (same as "MI-1 district). See subsection 35-310.18(c). ~~"MI-2" Parks and Open Space. No park or open space dedication is required. Fifteen (15) percent of the site shall be retained in permanent open space with either undisturbed natural plant materials or maintained landscaped areas.~~

(d) **"MI-2" Building Design and Articulation** – (same as "MI-1" district). See subsection 35-310.18(d). ~~"MI-2" Building Design and Articulation. Buildings within one hundred (100) feet of any public right-of-way shall conform to the following standards:~~

- ~~———— (1) Exterior Wall Finish for Nonresidential Buildings. Any exterior wall located partially or wholly within one hundred (100) feet from the edge of the public right-of-way shall be masonry, except for doors, windows and trim. Masonry shall mean brick, stone, or stucco, or similar material. Stucco shall not comprise more than fifty (50) percent of the exterior finish.~~
- ~~———— (2) Refuse Collection. Refuse containers shall be located away from public rights-of-way and business entrances, must not interfere with traffic circulation or site parking, and shall be completely screened from public view with materials similar to or compatible with buildings located on the same site. Screening is not required for collection areas for industrial by-products located more than one hundred (100) feet from the right-of-way.~~
- ~~———— (3) Mechanical Equipment and Appurtenances. Cooling towers, vent stacks, ventilating fans, and other rooftop and ground-mounted mechanical units located partially or wholly within one hundred (100) feet from the edge of the public right-of-way shall be integrated into the design of the structure in a manner that is integral to the architectural form of the building.~~

(e) **"MI-2" Signs** - (same as "UD" district). See subsection 35-310.15(e). ~~Signs. The provisions of chapter 28 of the City Code pertaining to signs and billboards shall apply, provided that in the event of a conflict between the provisions of this section and chapter 28, the provisions of this section shall apply.~~

Reference: Chapter 28 of the City Code contains regulations regarding signs and billboards.

- ~~(1) Signs shall only advertise a service, product or business on the site on which the sign is located.~~
- ~~(2) Signs shall be designed to be compatible in style and character with the primary structure on the site. Trademark signs are allowed subject to the other provisions of this section.~~
- ~~(3) No florescent colored, reflective surfaces, blinking lights and/or rotating or moving parts shall be permitted on a sign.~~
- ~~(4) Wall Signs. The maximum allowable sign area, as a percentage of the area of each building elevation, for attached signs along all street frontage is contained in Table 310.19-2, provided that each occupancy that has a separate and distinct public entrance located on an arterial Type B street shall be allowed a minimum of fifty (50) square feet of sign message area, each occupancy that has a separate and distinct public entrance located on an arterial Type A street shall be allowed a minimum of seventy five (75) square feet of sign message area, and each occupancy that has a separate and distinct public entrance located on an expressway shall be allowed a minimum of one hundred (100) square feet of sign message area.~~

Table 310.19-2
Maximum Attached Sign Message Area

Street Type	Maximum Attached Sign Message Area
Arterial Type B	15%
Arterial Type A	
- Cabinet sign	10%
- Channel letters raised or incised	15%
- Painted or flat sign	15%
Expressway	
- Cabinet sign	15%
- Channel letters raised or incised	20%
- Painted or flat sign	15%

- ~~(5) One (1) monument sign not to exceed six (6) feet in height and thirty two (32) square feet of sign area per side for single tenant sign, or eight (8) feet in height and fifty (50) square feet of area per side for a multi-tenant sign shall be permitted per parcel or platted lot or one (1) per each one thousand two hundred (1,200) feet of frontage, provided that the spacing between signs is two hundred (200) feet. Pole mounted signs shall not be allowed, except that directional signs not exceeding three (3) feet in height~~

and four (4) square feet in sign area per side are permitted. On a tract of land with more than two thousand four hundred (2,400) feet of frontage signs must be spaced two hundred (200) feet apart, however the total permissible sign area may be combined into one (1) or more signs that shall not exceed six (6) feet and six (6) inches in height and sixty-four (64) square feet of sign area per side for a single tenant sign or eight (8) feet in height and one hundred (100) square feet of area per side for a multi-tenant sign.

- ____ (6) ____ Externally illuminated signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the public right-of-way.
- ____ (7) ____ Prohibited Signs:
 - ____ A. ____ Animated, moving, flashing, or rotating signs,
 - ____ B. ____ Signs which utilize intermittent or flashing illumination devices, change light intensity, brightness or color, or are constructed and operated to create an appearance of motion,
 - ____ C. ____ Off-premises signs,
 - ____ D. ____ Roof signs,
 - ____ E. ____ Signs in public rights-of-way.
- ____ (8) ____ Temporary Signs. Banners, pennants, streamers, and balloons one (1) foot in diameter may be used as temporary advertising for a maximum duration of thirty (30) days each six (6) months. Permits in accordance with chapter 28 are required for temporary signs more than fifteen (15) square feet in size.

(f) "MI-2 Buffers – (same as "UD" district). See subsection 35-310.15(f) "MI-2" Buffers.

- ____ (1) ____ Buffer requirements for "MI-2" districts shall be in addition to the requirements set forth in section 35-510 pertaining to buffers.

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

- ____ (2) ____ Any property adjoining a collector, primary or arterial street, or freeway must comply with the minimum vegetative bufferyard requirements set forth below in Table 310.19-3. No fence or wall can be substituted for the vegetative bufferyard requirement. A Type N buffer may be substituted

for the bufferyard requirement to encourage the preservation of natural vegetation.

Table 310.19-3
Street Classification and Vegetative Buffers

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

* As described in Table 506-1, Table 506-2, and the major thoroughfare plan

** Only applicable to "MI-1" and "MI-2" districts.

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

- (3) Buffer requirements for adjoining uses or zoning districts are set forth below in Table 310.19-4.

Table 310.19-4
Adjoining Use Buffers

Use or Zoning District	Adjoining Use or Zoning District									
	SF	MF< or = 15 du	MF> 15 du	C-O< 3,000*	C-O 3,001-10,000*	C-O 10,001-45,000*	C-O 45,001-90,000*	C-O> 90,000*	L-1,1-2	MI-1, MI-2
MI-2	F	F	F	E	D	C	C	C	NA	NA
*Commercial or office aggregate building footprint										
Type N or "Option" buffers may be utilized										

Reference: Section 35-510 Landscaping and Tree Preservation: Buffers. Table 510-1 lists current buffer requirements between uses and along streets.

- (g) **"MI-2" Natural Resource Protection.** – (same as "MI-1 district). See subsection 35-310.18(g).

(1) ~~Riparian.~~

- ~~A. — Riparian protection buffer. The purpose of the riparian protection buffer shall be to:
 - ~~Protect natural stormwater management provided by rivers, creeks, and wetlands.~~
 - ~~Protect surface water and groundwater quality.~~
 - ~~Protect water-dependent aquatic and terrestrial wildlife corridors.~~
 - ~~Maintain natural vegetation needed to protect the floodplain and provide wildlife habitat.~~
 - ~~Protect wetlands under federal jurisdiction that exist within the floodplain buffer.~~
 - ~~Protect the underlying aquifer.~~~~
- ~~B. — A riparian protection buffer shall be a minimum of one hundred fifty (150) feet from both sides of the centerline of a waterway or the limit of the 100-year floodplain, whichever is greater.~~
- ~~C. — A single-family residential use is permitted in the riparian protection buffer when a plat is not required by V.T.C.A. Local Government Code Ch. 212.~~
- ~~D. — Clearing, grading, filling, or construction is permitted in the riparian protection buffer if such clearing, grading, filling, or construction complies with the provisions of Appendix "F", provided however, that rights-of-way for trails, streets or railroad lines needed to provide access to the property, and utility easements for water, sewer, stormwater, electric, or cable lines may be cleared. In no case shall these activities impacting the riparian protection buffer exceed more than twenty (20) percent of the total area of the buffer. The buffer area may be used for agriculture and ranch uses.~~
- ~~E. — A retention or detention facility may be located within a riparian~~

Reference: Riparian buffers are not currently addressed in UDC. The floodplain (section 35-460 and Appendix "F") and the stormwater (section 35-504) regulations protect people and development from the hazards of flooding. The riparian protection buffer is designed to enhance the natural function and beauty of the riparian area.

~~protection buffer provided that it is of earthen construction and is screened with vegetative screening.~~

- ~~F. In a riparian protection buffer where ongoing maintenance is required, drainage easements shall be maintained in accordance with section 35-504.~~
- ~~G. Modifications to existing earthen channels and watercourses or newly created open channels or retention/detention facilities shall be designed to enhance the rural aesthetic character or habitat value and shall be constructed and maintained in accordance with section 35-504.~~
- ~~H. The floodplain administrator may reduce the required riparian protection buffer area up to fifty (50) percent for:~~
 - ~~1. A single family residence when a plat is not required by V.T.C.A. Local Government Code Ch. 212; or~~
 - ~~2. If the applicant demonstrates that the portion of the riparian protection buffer being reduced does not contain significant existing vegetative cover, such as protected native trees or wetlands, and the applicant provides one or more of the following mitigation measures:~~
 - ~~• Enhanced vegetative cover provided in the remaining buffer area; or~~
 - ~~• Earthen water breaks, drainage facilities or catch basins; or~~
 - ~~• Erosion control and slope stabilization.~~

Reference: Section 35-203 Conservation Subdivision and section 35-503 Parks and Open Space Standards;

(h) **"MI-2" Master Plan Consistency** - (same as "UD" district, provided that no residential uses are permitted). See subsection 35-310.15(h). ~~"MI-2" Master Plan Consistency. Application of the "flex" districts shall be consistent with the city council adopted master plan governing the subject area. Within the "flex" district, a landowner may develop any parcel or combination of parcels greater than twenty (20) acres in size as a flexible development plan (FDP) if such FDP complies with the goals and objectives of the city's comprehensive master plan and the development standards and criteria set forth below. The use of an FDP under this provision shall be considered in compliance with the adopted master plan and requires only ministerial approval of the flexible development plan (section 35-412) by the planning director if it meets the criteria in~~

Table 310.19-5.

An FDP shall follow one (1) of the following two (2) use patterns:

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

**Table 310.19-5
Flex Development Plan Option**

	Applicable UD Standards	TND Pattern:	Mixed Use Pattern:			
	Uses	All Flex Districts	UD	RD	FR	MI 1, MI 2
(a)	Residential	Permitted, except no residential in MI-1 and no multi-family in FR—TND standards apply	Residential uses are permitted UD flex standards apply if residential uses are built	Both single-family and multi-family uses are permitted Single-family maximum at 2 dwelling units per acre Multi-family uses shall not exceed 20% of the total acreage at 25 dwelling units per acre	Residential density shall not exceed one (1) dwelling unit per five (5) acres Multi-family uses are not permitted	No single family or multi-family uses are permitted
		Live-work units allowed	Live-work units allowed	Live-work units allowed	Not applicable	
(b)	Commercial	TND standards apply	Location: Buildings with footprint > 90,000 are allowed only at intersection of interstate highway and primary arterial (boulevard) or higher classification			
			Setback standards apply			
(c)	Parks and Open Space	TND standards apply	All UD flex district standards apply			
			Not applicable. (MI standards are applicable)			
(d)	Building/Site Design	TND standards apply	All UD flex district standards apply			
(e)	Signs	All UD flex district standards apply				

(f)	Buffers	All UD-flex district standards apply, except for uses adjoining collector streets in UD, RD, and FR districts and arterial streets in UD districts	All UD-flex district standards apply, except for uses adjoining collector and arterial streets	All UD-flex district standards apply except for uses adjoining collector streets.	All UD-flex district standards apply
(g)	Resource Protection	All UD-flex district standards apply			MI-2 Standards Apply
(h)	Petroleum and Gas	All UD-flex district standards apply			
(i)	Blocks, Streets, and Parking				
	(e)(1) Blocks	TND standards apply	UD-flex standards apply	UD-flex standards apply for multi-family	Not applicable
	(e)(2) Lots	Not applicable (developer not choosing to utilize pre-existing lot standards)			
	(e)(3) Streets	TND standards apply	UD-flex standards apply	UD-flex district standards apply except connectivity ratio shall be 1.5 and collectors exempt from traditional street design standards	UD-flex district standards apply except exempt from traditional street standards of UDC, and connectivity ratio does not apply
	(e)(4) Sidewalks and Pedestrian Circulation	TND standards apply	All UD-flex district standards apply		
	(e)(5) Parking and Loading	TND standards apply	All UD-flex district standards apply		

	Applicable MI-1 Standards	TND Pattern:	Mixed Use Pattern:			
	Standards Referenced in MI-1 district	All Flex districts	UD	RD	FR	MI-1, MI-2
(a)	(c) (3) Minimum building setback requirements.	Applies to MI-1 district only	Not applicable (industrial uses not allowed)			MI-1 flex standards apply
(b)	(c) (4) Wireless communication transmission tower setback	MI-1 flex standards apply				
(c)	Parks and Open Space	Not applicable (industrial uses not allowed)				MI-1 flex standards apply

(d)	(e) Building Design and Articulation	Applies to MI-1 district only	Not applicable (industrial uses not allowed)	MI-1 flex standards apply
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(i) **"MI-2" Performance Standards** - (same as "MI-1" district). See subsection 35-310.18(i). "MI-2" Performance Standards.

- ~~(1) Mechanical Operations. All mechanical repairs shall be conducted inside a building or under a roof and screened from public view.~~
- ~~(2) Air Pollution. All uses shall operate in compliance with the regulations of the Texas Commission on Environmental Quality codified in the Texas Administrative Code, Title 30, Chapter 101, "General Air Quality Rules."~~
- ~~(3) Noise. All uses shall comply with the provision of chapter 21, article III of the City Code, Noise.~~
- ~~(4) 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 chapter. There shall not be emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.~~
- ~~(5) 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 lot line.~~
- ~~(6) Noxious Odors. No odors, other than those related to permitted emissions, that are discernible without the aid of instruments by a person of ordinary sensibilities shall be allowed beyond the boundary of the zoning district.~~
- ~~(7) Toxic and Liquid Wastes. The discharge of any toxic or liquid waste material, unauthorized by state or federal permit, into any outdoor watercourse or drainageway shall be prohibited. The terms "toxic material" and "liquid waste material" shall have the meanings ascribed to them in applicable laws, rules, and regulations.~~
- ~~(8) 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 city's adopted Uniform Fire Code and shall comply with the regulations promulgated by the Texas Commission on Environmental Quality and/or Texas Railroad Commission and other applicable laws governing such product storage and use.~~
- ~~(9) Radioactive Materials. 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.

- ~~———— (10) ——— Electromagnetic Radiation. No operation shall be conducted which shall adversely affect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.~~
- ~~———— (11) ——— Industrial Waste Monitoring. Upon request of the city fire department, the city environmental services department, or San Antonio Water System, any person operating an activity within this district shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the district. Documentation that will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.~~
- ~~———— (12) ——— Material Safety Data. Upon request of the city fire department, independent of the Federal Emergency Planning and Community Right to Know Act, (EPCRA) any person operating an activity within this district shall provide copies of material safety data sheets (MSDS) for material maintained, stored, or used within the district. The materials, subject to this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or hazardous property qualify their listing in the North American Emergency Response Guidebook, current addition and as amended.~~
- ~~———— (13) ——— Petroleum and Natural Gas Extraction and Production.~~
 - ~~———— A. ——— General. The operator is responsible for compliance with this section during all operations at the well. Any violation of any valid law or of any valid rule, regulation or requirement of any city, state or federal regulatory body having jurisdiction with reference to drilling, completing, equipping, operating, producing, maintaining, or abandoning oil or gas wells or related appurtenances, equipment or facilities or with reference to firewall, fire protection, blow-out protection or safety or persons or property shall be in violation of this section.~~
 - ~~———— B. ——— Wellhead setbacks. No well shall be drilled or re-entered for deepening or conversion, the surface location of which is:~~
 - ~~———— 1. ——— Within less than the height of the drilling rig plus twenty-five (25) feet from any street, alley or utility easement, unless the operator obtains a variance from the board of adjustment.~~

2. Within less than four hundred (400) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from the board of adjustment for which the operator provides notarized affidavits from all affected property owners within four hundred (400) feet of the proposed well stating consent of the proposed drilling or re-entry activity for deepening or conversion.
3. Within less than four hundred (400) feet from any exterior boundary line or six hundred (600) feet from any building or land used by any public or parochial school, college, university, or hospital, or which is occupied by a church or a public building, unless the operator obtains a variance from the board of adjustment for which the operator provides notarized affidavits from all affected property owners within six hundred (600) feet from the proposed well stating consent to the proposed drilling or re-entry activity for deepening or conversion.
4. Within less than four hundred (400) feet from the exterior boundary line of lands utilized for cemeteries or public parks, unless the operator obtains a variance from the board of adjustment.
- C. Well re-entry. No well shall be re-entered for reworking which does not involve deepening or conversion, or re-entry activity for plugging and abandonment, the surface location of which is within less than two hundred (200) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from the board of adjustment for which the operator provides notarized affidavits from all affected property owners within two hundred (200) feet of the proposed well stating consent of the proposed re-entry activity for reworking, which does not involve deepening or conversion, or re-entry for plugging and abandonment.
- D. Pipelines. Before any excavation or construction work is commenced on any pipeline to move oil, gas, water or other product to and from a well site, on, over under, along or across any city street, sidewalk, alley or other city property, a franchise shall first be obtained from the city council. No operator shall interfere with or damage any existing storm sewer, drainage facility, water line, sewer line or gas line, or facility of a public utility located on, under or across the course of any such pipeline.

~~E. Premises to be kept clean. All surface areas utilized by an operator for production facilities shall be kept clear of dry grass, weeds and combustible trash or other rubbish or debris that would, if allowed to accumulate, result in a fire hazard. In the event the operator does not keep the premises clean, the director of planning and development services may have it cleaned by contract and the payment of such work performed shall constitute a valid lien against the property.~~

~~F. Public nuisance declared. No person shall conduct any well operation in a manner that would create a noise, odor or vibration detrimental to the health, safety or welfare of the surrounding neighborhood or any considerable number of persons. Such operation is hereby declared to constitute a public nuisance and subject to the provisions of sections 14-61 through 14-67 of the City Code.~~

* * * * *

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

35-311 Use Regulations

TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LBCS STRUCTURE
Assisted Living Facility, Boarding Home Facility or Community Home with five (5) or fewer residents (See 35-321 as a conditional use in any single family zone)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Assisted Living Facility, Boarding Home Facility or Community Home with six (6) or more residents Or Elderly Home								S		S		S	P	P	P	P	P	P	4230	

TABLE 311-1 RESIDENTIAL USE MATRIX

PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Bed and Breakfast, see §35-374			S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	1310	

Child Care, Licensed Child Care	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562	
Child Care - Registered Child Care Home	S	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	P	6562	
Child-Care Institution (Basic)	S	S	S	S	S	S		S		S		S	S	S	S	S	P	P	6561	

Community Home		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6560	

Dwelling - HUD- Code Manufactured Homes (Residential) (Requires "MH" Special District Zoning)	S	S	S	S	S	S	S	S	S	S	S	S						P	1000	
Dwelling (loft and/or ARH)													P	P	P	P	P			
Dwelling - Multi- Family (18 Units/Acre Maximum)													P	P	P	P	P	P	1000	1210
Dwelling - Multi- Family (25 Units/Acre Maximum)														P	P	P	P	P	1000	1220
Dwelling - Multi- Family (33 Units/Acre Maximum)															P	P	P	P	1000	1230
Dwelling - Multi- Family (40 Units/Acre Maximum)																P	P	P	1000	1240
Dwelling - Multi- Family (50 Units/Acre Maximum)																	P	P	1000	1250

Housing Facilities for Older Persons (see 35-373(e))								P		P		P	P	P	P	P	P	P		
Nursery (1 Acre Minimum)	P	P	P	P	P		P		P		P							S	9140	
Nursing Facility												P	P	P	P	P	P	P		

TABLE 311-1 RESIDENTIAL USE MATRIX

PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LBCS STRUCTURE
Skilled Nursing Facility (See 35-321 as a conditional use in any single family zone)												P	P	P	P	P	P	P		

Storage (moving pods) (see 35-A101)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Transitional Home												S	S	S	S	S	S	P		

University or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S						P	—	—

Table 311-1a Residential Use Matrix

Permitted Use	Urban	Rural	Farm And Ranch	Mixed Industrial
Accessory Uses (Supplemental To The Residential Use)	P	P	P	
Assisted Living Facility, Boarding Home Facility, or Community Home Or Elderly Home	P	PS	P	
Athletic Fields (Noncommercial And Supplemental To The Residential Use)	See Nonresidential Matrix			
Automobile Noncommercial Parking	S			
Automobile Commercial Parking	S			
Bed And Breakfast, see §35-374	P	P	P	
Bus Shelter (Max size 6'x13')	P	P	P	P
Bus Stop	P	P	P	P
Cemetery, Columbarium or Mausoleum	See Nonresidential Matrix			
Child Care - Daycare Center	S	S		
Child Care - Licensed Child Care	S	S		

<u>Child Care – Registered Child Care Home</u>	<u>P</u>	<u>P</u>		
Child - Care Institution (Basic)	S	S		
Church, Temple, Mosque (facilities that are for worship or study of religion)	See Nonresidential Matrix			
Day Care Center (Commercial Or Non-Profit)	S	S		
Dwelling - 1 Family (Attached Or Townhouse)	P	<u>P</u>		
Dwelling - 1 Family (Detached)	P	P	P	
Dwelling - 2 Family	P	<u>P</u>		
Dwelling - 3 Family	P	<u>P</u>		
Dwelling - 4 Family	P	<u>P</u>		
Dwelling - Accessory (Carriage Houses, Granny Flats, Echo Homes)	P	P	P	
Dwelling - College Fraternity (Off Campus)	P	S	S	
Dwelling - School Dormitories Or Housing (Off Campus)	P	S	S	
Dwelling - One- Family HUD-Code Manufactured Homes (Residential)		P	P	
<u>Dwelling (loft and/or ARH)</u>	<u>P</u>			
Dwelling - Multi- Family (18 Units/Acre Maximum)	P			
Dwelling - Multi- Family (25 Units/Acre Maximum)	P			
Dwelling - Multi- Family (33 Units/Acre Maximum)	P			
Dwelling - Multi- Family (40 Units/Acre Maximum)				
Dwelling - Multi- Family (50 Units/Acre Maximum)				
Dwelling - Zero Lot Line	P			

Dwelling - Townhouse	P			
Family Home	P	P		
Farming And Truck Garden	P	P	P	
Foster Family Home	P	P	P	
Foster Group Home	S	S	S	
Golf Course (Accessory To A Residential Subdivision)	See Nonresidential Matrix			
Group Day Care Home	S	S	S	
Museum	P	P	S	
Nursery (1 Acre Minimum)	See Nonresidential Matrix			
Nursing Facility	P	S		
Radio/Television Station With Transmitter Tower	See Nonresidential Matrix			
Recreation Facility (Public And Noncommercial)	See Nonresidential Matrix			
Registered Family Home (12 Children Maximum)	P	P	P	
Rooming House (Boarding House)	See Nonresidential Matrix			
School - Private (Includes Church Schools, Private Schools K-12, Privately Owned College or University, Trade or specialty School)	See Nonresidential Matrix			
School - Public (Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University)	See Nonresidential Matrix			
Storage (moving pods) (see 35-A101)	P	P	P	P
Transit Center	P			P
Transit Park & Ride	P			P
Transit Transfer Center (Max Size 14'x33' and total footprint no larger than 30'x40')	P			P
Transit Station	S			S
Transitional Home	S	S	S	S
University Or College (Private)	See Nonresidential Matrix			

Wireless Communication System	See Nonresidential Matrix
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TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)

Alcohol	Alcohol - Winery With Bottling						P		P				
Amusement	Animal Racetrack And/Or Rodeo Arena								S	S		S	5130
Amusement	Carnival And/Or Circus								S	S	S	NA	5300
Amusement	Carnival And/Or Circus - Event use (Specific time limit set by city council on individual case consideration)						S	S	S			S	5300
Amusement	Carnival And/Or Circus (Temporary For Not More Than 60 Days)							S	S	S	S	NA	5300
Amusement	Carnival And/Or Circus - Temporary Use (Time Set By City Council On Individual Case Consideration)						S	S	S			S	5300
Amusement	Fairground And/Or Stadium							S	S	S		S	5300
Amusement	Miniature Golf					P	P	S				P	5340
Amusement	Amusement And/Or Theme Park - Outdoor Rides						P	S				P	5310
Amusement	Animal Racetrack And/Or Rodeo Arena								S	S		S	5130
Amusement	Billiard Or Pool Hall - No Alcohol In "C-2"					P	P	P				P	5380
Amusement	Bingo Parlor					S	P					P	5300
Amusement	Carnival And/Or Circus - Circus (more than 2 weeks, time limit set by city council on individual case consideration) Temporary Use (Time Set By City Council On Individual Case Consideration)						S	S	S			S	5300
Amusement	Dance Hall						P	P				P	5110
Amusement	Fairground And/Or Stadium							S	S	S		S	5300
Amusement	Go-Cart Track						S		P			S	5300
Amusement	Laser Hide And Seek Games - Indoors					P	P	P				P	5300
Amusement	Laser Hide And Seek Games - Outdoors Permitted						S		P			P	5300
Amusement	Miniature Golf					P	P	S				P	5340
Amusement	Museum - public or private	P	P	P	P	P	P	P	P	P		P	
Amusement	Racing - Motor Vehicle									S		S	

Animal	Kennel - Boarding And Breeding (See Health And Environmental)								S	P		S	2418

TABLE 311-2 NON-RESIDENTIAL USE MATRIX

	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Auto	Parking (as primary use; surface lot or structured), see §35-384	S	P	S	S	P	P	P	P	P	P	S	
Auto—	Parking Lot—Noncommercial—	P	P		S	P	P	P	P	P	P	S	2100
Auto—	Parking Lot—Commercial—	S	P	S	S	P	P	P	P	P	P	NA	2110
Auto—	Parking Garage—Commercial or Noncommercial—	S	P			P	P	P	P	P	P	S	

Dwelling	Extended Stay, Group Day Care, Hotel (see Service Category)												
Dwelling	Dwelling Other—See (Housing)												
Dwelling	Extended Stay Housing—See (Housing—Extended Stay Hotel or Timeshares)	-	-	-	-	-	-	-	-	-	-	-	
Dwelling	Group Day Care—See (Housing—Group Day Care Limited To 12 Individuals)												
Dwelling	Hotel—See (Housing—Hotel)												
Dwelling	Motel—See (Housing—Motel)												

Health and Human Services	Human Services Campus						S	S				P	6500

Housing	Bed and Breakfast, Boarding Home, Hotel (see Service Category)												
Housing	Bed And Breakfast	S	P	S	P	P		P				P	1310
Housing	Housing—Boarding House				P	P	P	P				P	
Housing	Housing—Extended Stay Hotel Or Timeshares					S	P	P				P	
Housing	Housing—Group Day Care Limited To 12 Individuals	P	P	P	P	P	P	P	P			P	6562
Housing	Housing—Hotel					S	P	P	P			P	
Housing	Housing—Hotel taller than 35 feet when unable to achieve additional height pursuant to § 35-517(d) Setbacks for Height Increases						S	P				P	6500
Housing	Housing—Motel					S	P	P	S			P	

Manufacturing	Bulk Plant or Terminal (Includes Bulk Storage of Petro Chemicals)										S		

Manufacturing	Hazardous Materials Hauling Or Storage										S	NA	4000

Manufacturing	Junkyard Or Salvage Yard										S	NA	2120
Manufacturing	Petro Chemicals Bulk Storage										P		
Manufacturing	Mattress – Manufacturing and Rebuilding								P	P	P	S	3340

TABLE 311-2 NON-RESIDENTIAL USE MATRIX

	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Manufacturing	Pipe Storage									P	P	P	

Manufacturing	Storage Outside (Open With No Screening Required)								S	S	P	S	
Manufacturing	Storage Outside (Screening From Public Rows And Adjacent Property Required)						S		S	S	P	S	

Office	Aerial Survey— Administrative Offices No On-Site Flight Services	P	P		P	P	P	P	P			P	2400

Plants	Florist— Wholesale						P	P	P	P		P	3520
Plants	Landscaping Materials— Sales And Storage								P	P		S	2123
Plants	Nursery— Plant Wholesale Onsite Growing Permitted						P		P			S	9140

Recreation P	Park - Public	P	P	P	P	P	P	P	S	S	S	P	
Recreation	Recreational Facility - Private Community Wide					P	P	P				P	
Recreation	Recreational Facility - Private Neighborhood			P	P	P	P					P	
Recreation—	Recreational Facility— Public Community Wide—					P	P	P				P	6340
Recreation—	Recreational Facility— Public Neighborhood—			P	P	P	P					P	6340

Recreation	Tennis, Racquetball, Handball, Volleyball Or Basketball - Noncommercial (Outside Courts Permitted)		P		S	S	P	P	P			P	
Recreation	Tennis, Racquetball, Handball, Volleyball Or Basketball - Commercial (Outside Courts Not Permitted)		P		S	P	P	P	P			P	5370
Recreation—	Tennis, Racquetball, Handball, Volleyball Or Basketball— Commercial (Outside Courts Permitted)—		P		S	S	P	P	P			P	5370
Recreation—	Tennis, Racquetball, Handball, Volleyball Or Basketball— Noncommercial (Outside Courts Not Permitted)—		P		S	P	P	P	P			P	5370

Retail	Catering Shop			P	P	P	P	P	P				

Retail	Landscaping Materials - Sales And Storage								P	P		S	2123

Service	Assisted Living Facility, Boarding Home Facility, or Community Home with no more than sixteen (16) residents			P	P	P	S	P				P	
Service	Auditorium		P			P	P	P				P	5110

TABLE 311-2 NON-RESIDENTIAL USE MATRIX

	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZ/D	(LBCS Function)
Service	Bail Bond Agency					S	S		S	S		P	2220
Service	Bank, Credit Union Savings and Loan	P	P	S	S	P	P	P	P			P	2210
Service	Barber or Beauty Shop		P	P	P	P	P	P					
Service	Bed And Breakfast, see §35-374	S	P	S	P	P		P				P	1310

Service	Caterers and Catering Shop (No On-Premises Food Services)				P	P	P	P	P	P			

Service	Check Cashing Facility				S	S	S					P	2600

Service	Copy Or Blueprinting – Example “Quick Print”		P		S	P	P	P				P	2414
Service	Copy Service – Blueprinting And Photocopying	P	P	P	P	P	P	P	P	P		S	2414
*****													=
Service	Extended Stay Hotel Or Timeshares					S	P	P				P	

Service	Group Day Care Limited To 12 Individuals	P	P	P	P	P	P	P	P			P	6562
Service	Gunsmith						S		P	P	P	NA	2134
Service	Hotel					S	P	P	P			P	
Service	Hotel taller than 35 feet when unable to achieve additional height pursuant to § 35-517(d) Setbacks for Height Increases						S	P				P	6500
Service	Human Services Campus						S	S				P	6500

Service	Loan Office	P	P		P	P	P	P				P	

Service	Medical - Hospital taller than 35 feet when unable to achieve additional height pursuant to § 35-517(d) Setbacks for Height Increases					S	S	P	S			S	6530

Service	Medical – Optician	P	P	P	P	P	P	P				P	2410
Service	Medical - Optometry Office	P	P	P	P	P	P	P				P	2410
Service	Mini Warehouse/Self Service Storage						P	P	P	P	P	P	
Service	Mortuary – Preparation Only						S		P			S	6700
Service	Movie and/or Game Rentals			P	P	P	P	P				P	2336
Service	Nursing Facility				P	P	P					P	
Service	Office	P	P	P	P	P	P	P	P	P		P	2400

Service	Pawn Shop					P	P	P	P			P	2140
Service	Pay Day Loan Agency				S	S	S					P	2220

TABLE 311-2 NON-RESIDENTIAL USE MATRIX

	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)

Service	Rooming House				P	P	P	P				P	

Service	Skilled Nursing Facility				P	P	P					P	
Service	Specified Financial Institution (see 35-394)				S	S	S					P	
Service	Storage, Climate Controlled	S	S			P	P		P	P	P	S	
Service	Storage, Cold									P	P	S	
Service	Storage, Moving Pod (see definition in Appendix A)	P	P	P	P	P	P	P	P	P	P	S	
Service	Storage Shipping Container (see definition in Appendix A. Requires registration affidavit with Development Services Dept.)	S	S	S	S	S	S	S	P	P	P	S	

Service	Transitional Home					S	S	S	S	S		P	

Storage	Cold Storage Plant									P	P	S	3600
Storage	Fur Dyeing, Finishing And Storage							S	P	P		S	3600
Storage	Moving Company								P	P	P	S	4140
Storage	Pipe Storage									P	P	P	
Storage	Self Service Storage						P	P	P	P	P	P	
Storage	Storage, Climate Controlled	S	S			P	P		P	P	P	S	
Storage	Storage, Moving Pod (see definition in Appendix A)	P	P	P	P	P	P	P	P	P	P	S	
Storage	Storage-Outside (Screening From Public ROWs And Adjacent Property Required)						S		S	S	P	S	
Storage	Storage-Outside (Open With No Screening Required)								S	S	P	S	
Storage	Storage – Outside (Under Roof and Screened)								P	P	S	S	9900
Storage	Storage Shipping Container (see definition in Appendix A. Requires registration affidavit with Planning and Development Services Dept.)	S	S	S	S	S	S	S	P	P	P	S	

Transportation	Heliprot (see also Chapter 3 City Code)		S					S		S	S	S	4110
Transportation	Helistop (see also Chapter 3 City Code)		S			S	S	S		S	S	P	4110

Utilities	Small Wind Energy Systems, subject to §35-398(a)	S	P	S	S	S	P	P	P	P	P	S	
Utilities	Solar Farm, Photovoltaic, subject to §35-398(b)	S	S	S	S	S	S	S	P	P	P	S	
Utilities	Telephone Equipment Infrastructure	S	S	S	S	S	S	P	P	P	P	P	4234
Utilities	Wireless Communication System, subject to §35-385(e)	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P	P	S	4233
Utilities	Wireless Communication System, subject to §35-	S											4233

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
	385(d)		S	S	S	S	S	S	S	S	S	S	

Wholesale	Florist - Wholesale						P	P	P	P		P	3520
Wholesale	Nursery - Plant Wholesale Onsite Growing Permitted						P		P			S	9140

* For uses permitted by right ("P") in the "O-2" district, please see 35-310.09(c)(1)(D).

**Table 311-2a
Nonresidential Use Matrix**

		Urban			Rural			Farm		Mixed Industrial			
	PERMITTED USE	UD Major Node >90,000-sf	UD Minor Node <90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg Footprint >90,000-sf	RD Minor Node <90,000-sf	RD Minor Node <6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1 MI-1 Minor Node MI-1 <3,000-sf	VILLAGE CENTER - MI	MI - 2 MI-2 Minor Node MI-2 <3,000-sf	VILLAGE CENTER - M2
Accessory	Accessory uses - Secondary Or Incidental To Primary use	P	P	P	P	P	P	P	P	P	P	P	P
Alcohol	Alcohol - Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week	P	S	S	P	S	S		P	S	P	S	P
<u>Alcohol</u>	<u>Alcohol - Bar And/Or Tavern With Cover Charge 3 or More Days Per Week</u>	S		S	S		S		S	S	S	S	S
<u>Alcohol</u>	<u>Alcohol - Nightclub Without Cover Charge 3 or More Days Per Week</u>	P			P				P		P		P
<u>Alcohol</u>	<u>Alcohol - Nightclub With Cover Charge 3 or More Days Per Week</u>	S			S				S		S		S
Alcohol	Alcohol - Beverage Manufacture Or Brewery - Alcohol											P	
Alcohol	Alcohol - Distillation, Storage											P	
Alcohol	Alcohol - Microbrewery	P	P		P	P			P		P	P	P
Alcohol	Alcohol - Beverage Retail Sales (Liquor Store)	P	P		P	P			P		P		P
<u>Alcohol</u>	<u>Wine Boutique</u>	P			P				P		P		P

		Urban			Rural			Farm		Mixed Industrial				
	<u>PERMITTED USE</u>	UD Major Node >90,000-sf	<90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg Footprint >90,000-sf <90,000-sf	RD Minor Node <6,000-sf		FR Ag Commercial VILLAGE CENTER FR / FR Minor Node		MI - 1 MI-1 Minor Node MI-1 <3,000-sf VILLAGE CENTER - MI	MI - 2 MI-2 Minor Node MI-2 <3,000-sf VILLAGE CENTER - M2			
Alcohol	Alcohol - Winery With Bottling							P			P			
Amusement	Animal Racetrack And/Or Rodeo Arena									S				
Amusement	Carnival And/Or Circus									S		S		
Amusement	Carnival And/Or Circus (Temporary For Not More Than 60 Days)	S			S			S		S		S		
Amusement	Fairground And/Or Stadium							P		S				
Amusement	Miniature Golf	P	P		P	P								
Amusement	Amusement And/Or Theme Park - Outdoor Rides	S			S									
Amusement	Billiard Or Pool Hall – No Alcohol In "C-2"	P	P		P	P					P		P	
Amusement	Bingo Parlor	P	P		P	P		S	S					
Amusement	Carnival And/Or Circus - Temporary use (more than 2 weeks, time limit set by city council on individual case consideration) (Time Set By city council On Individual Case Consideration)	S			S			S		S		S		
Amusement	Dance Hall	P			P			P	P	P				
Amusement	Go-Cart Track	S			S			P		P				
Amusement	Laser Hide And Seek Games - Indoors	P	P		P	P				P		P		
Amusement	Laser Hide And Seek Games - Outdoors Permitted							P		P				
Amusement	Live Entertainment Without Cover Charge 3 or More Days Per Week (Not Including Food Service Establishments)	S			S									
Amusement	Live Entertainment With Cover Charge 3 or More Days Per Week (Not Including Food Service Establishments)	S			S									
Amusement	Racing – Motor Vehicle Auto Or Truck Track									S		S		
Amusement	Theater - Indoor permitting Over 2 Screens And/Or Stages	P	P		P	P								

		Urban			Rural			Farm		Mixed Industrial					
<u>PERMITTED USE</u>		UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Amusement	Theater - Indoor With 2 Or Less Screens And/Or Stages	P	S		P	S						P			P
Amusement	Theater - Outdoor Including Drive-In And Amphitheaters							P	P	P					
Amusement	Video Games - Coin Or Token Operated	P	P	S	P	P	S				S	P		S	P
Animal	Animal - Equestrian Center And Riding Trails							S		S					
Animal	Animal - Pound Or Shelter									P					
Animal	Breeder - Small Animal Only							P		S					
Animal	Cemetery - Pets (Limited To Small Animals)							P		P					
Animal	Dog Training - Indoor	P	P		P	P		P		P					
Animal	Dog Training - Outdoor Permitted							P		P					
Animal	Kennel - boarding And Breeding (See Health and Environmental)							P		S					
Animal	Pet Grooming - Small Animals Only	P	P	P	P	P	P	P	P	P	P	P		P	
Animal	Small Animal Clinic - No Outside Runs	P	P	P	P	P	P	P	P	P		P			
Animal	Small Animal Hospital - Outside Runs Are Permitted							P		P					
Animal	Stockyard									S					
Animal	Veterinary Hospital - Large And Small Animal (Outside Runs, Pens And Paddocks Permitted)							P		P					
Animal	Veterinary Hospital - Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)							P	P	P					
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens And Paddocks Permitted)							P		P					
Animal	Veterinary Hospital - Small Animals (No Outside Runs, Pens And Paddocks Permitted)	S			S			P	P	P		P			
Auto	Truck And Heavy Equipment - Auction														

		Urban			Rural			Farm		Mixed Industrial					
<u>PERMITTED USE</u>		UD Major Node > 90,000 sf	< 90,000 sf	UD Minor Node < 6,000 sf	RD Major Node Bldg Footprint > 90,000 sf	< 90,000 sf	RD Minor Node < 6,000 sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI - 1 < 3,000 sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI - 2 < 3,000 sf	VILLAGE CENTER - M2
Auto	Ambulance Service	S			S					P					
Auto	Auto - Glass Tinting	P	P		P	P				P					
Auto	Auto And Light Truck - Manufacture												P		
Auto	Auto And Light Truck - Oil, Lube And Tune Up	P	P		P	P					P	P	P		P
Auto	Auto And Light Truck Auction									S					
Auto	Auto And Light Truck Repair	S			S						P	P	P		P
Auto	Auto And Vehicle Sales - New And used - Small Scale (No More Than 15 Vehicles Currently Licensed And In Running Condition On-site At Any Given Time For Storage And/Or Sale	S			S					S					
Auto	Auto And Vehicle Sales - New And Used - Large Scale									S			P		
Auto	Auto - Rental	P			P										
Auto	Auto - Rental (Pickup And Drop Off Only In "C-2")	P	P		P	P						P			P
Auto	Auto Alarm And Radio - Retail (Install. Incidental To Sales In "UD" "C-2")	P	P		P	P						P			P
Auto	Auto Alarm and Radio - Retail (Sales And Installation As A Primary Use)	S			S					P					
Auto	Auto Glass Sales - Installation Permitted	S			S					P			P		
Auto	Auto Muffler - Installation And Sales Only	S	S		S	S				P			P		
Auto	Auto Paint And Body - Repair With Outside Storage Limited To 3 Vehicles (All Outside Storage Of Parts To Be Totally Screened)	S	S		S	S				P			P		
Auto	Auto Paint And Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways	S			S					P			P		

		Urban			Rural			Farm		Mixed Industrial					
	PERMITTED USE	UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Auto	Auto Parts Retail - No Outside Storage In "UD" "C-2"	P	P		P	P				P		P			P
Auto	Auto Parts Retail - W/Installation And No Outside Storage	S	S		S	S				P					
Auto	Auto State Vehicle Inspection Station	P	P		P	P					P	P	P		P
Auto	Auto Upholstery - Sales And Installation Completely Enclosed	S	S		S	S				P			P		
Auto	Carwash - See supplemental use regulations	P	P		P	P				P					
Auto	Limousine Service - Dispatch And Office Use Only No Servicing Of Vehicles Onsite	P	P		P	P				P					
Auto	Motor Vehicle Sales (full service)	S			S					S			P		
Auto	Motor Vehicle Sales	S			S					S					
Auto	Parking And Transient Vehicle Storage - Related To A Delivery (Auto, Truck, Trailer And Marine)(Each Vehicle Limited To 24 Hours Maximum Parking Time Within Any 48 Hour Period In "C3", "D" And "L")									P			P		
Auto	Parking And/Or Storage - Long Term									P			P		
Auto	Parking (as primary use; surface lot or structured), see §35-384	P	P		P	P				P			P		
Auto	Parking Lot - Noncommercial	P	P		P	P				P			P		
Auto	Parking Lot Or Garage - Commercial	P	P		P	P				P			P		
Auto	Taxi Service - Parking And Dispatch (No Washing Or Mechanical Service Permitted)	S	S		S	S				P					
Auto	Taxi Service - Parking And Dispatch (Washing Or Mechanical Service Permitted)				S					P					

		Urban			Rural			Farm		Mixed Industrial					
<u>PERMITTED USE</u>		UD Major Node >90,000-sf	<90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg Footprint >90,000-sf	<90,000-sf	RD Minor Node <6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Auto	Tire Repair - Auto And Small Truck (Sale And Installation Only, No Mechanical Service Permitted)	P	P		P	P				P					
Auto	Truck Repair And Maintenance	S			S					P			P		
Auto	Truck Stop Or Laundry - Full Mechanical Service And Repair Permitted									P			P		
Auto	Truck Stop Or Laundry - Tire Repair Permitted									P			P		
Auto	Vehicle Storage - See "Auto Parking And/Or Storage Long Term"												P		
Auto	Wrecker Service									P					
Auto Manufacturing	Auto Manufacturing Assembly Operations (< 5 acres)									P			P		
Auto Manufacturing	Electronic Component Manufacturing (< 5 acres)									P			P		
Auto Manufacturing	Metal Fabrication (< 5 acres)									P			P		
Auto Manufacturing	Plastics Manufacturing (< 5 acres)									P			P		
Auto Manufacturing	Plating Manufacturing												P		
Auto Manufacturing	Plating Manufacturing (< 5 acres)									P			P		
Auto Manufacturing	Auto Parts Sequencing And Assembly												P		
Auto Manufacturing	Auto Parts Sequencing And Assembly (< 5 acres)									P			P		
Beverage	Beverage Manufacture - Non-Alcohol														
Church, Temple, Mosque	Church, Temple, Mosque (facilities that are for worship or study of religion)	P	P	P	P	P	P	P	P		P	P		P	
Dry Goods - Wholesale	Dry Goods - Wholesale									P					

		Urban				Rural				Farm			Mixed Industrial						
	PERMITTED USE	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf		RD Major Node Bldg Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf		FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node		MI - 1	MI-1 Minor Node MI - 1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI - 2 < 3,000-sf	VILLAGE CENTER - M2	
Dwelling	Apartment Or Extended Stay Housing – (See Housing – Extended Stay Hotel or Timeshares)																		
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P	P															
Dwelling	Dwelling – Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P	P															
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre (Allowed Ratio Of 2 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P	P															
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 50 Dwellings Per Gross Acre (Allowed Ratio Of 4 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P																	
Dwelling	Dwelling Other – See (Housing)																		

		Urban			Rural			Farm		Mixed Industrial					
PERMITTED USE		UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Dwelling	Group Day Care - See (Housing - Group Day Care Limited To 12 Individuals)														
Dwelling	Housing (Temporary Or Permanent) For On- Premises Caretaker	P	P		P	P		P	P	P	P	P	P	P	P
Dwelling	Hotel - See (Housing - Hotel)														
Dwelling	Motel - See (Housing - Motel)														
Farm And Ranch	Bulk Grain And Feed Storage							P	S	P					
Farm And Ranch	Farming (Crops And Livestock)							P	P	P					
Farm And Ranch	Farmers Cooperative							P	P	P					
Farm And Ranch	Farmers Market							P	P	P					
Farm And Ranch	Greenhouse - Non-Retail							P	P	P					
Farm And Ranch	Orchard							P	P	P					
Farm And Ranch	Ranch							P	P	P					
Farm And Ranch	On-Site Storage of Farm Equipment							P	P	P					
Farm And Ranch	Retail - Crafts								P		P				
Government	Armory									S			S		
Government	Correction Institution									S					
Housing	Housing - Boarding House	P	P	P	P	P	P								
Housing	Housing - Extended Stay Hotel Or Timeshares	P	P		P	P				P		P	P		
Housing	Housing - Group Day Care Limited To 12 Individuals	P	P	P	P	P	P								
Housing	Housing - Hotel	P	P		P	P				P		P			P
Housing	Housing - Motel	P	P		P	P				S		S			
Industrial	Batching Plant												P		

		Urban			Rural			Farm		Mixed Industrial						
	<u>PERMITTED USE</u>	UD Major Node ≥ 90,000-sf	< 90,000-sf	UD Minor Node ≤ 6,000-sf	RD Major Node Bldg-Footprint ≥ 90,000-sf	< 90,000-sf	RD Minor Node ≤ 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 ≤ 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 ≤ 3,000-sf	VILLAGE CENTER - M2	
Industrial	Batching Plant - Temporary In “UD” And “RD” “C-3” And “L” (6 Months Maximum)	S			S								P			
Industrial	Bookbinder									S						
Industrial	Cabinet Or Carpenter Shop									S						
Industrial	Can Recycle Collection Station - No Shredding	S	S		S	S				S			P			
Industrial	Coffee Roasting												P			
Industrial	Contractor Facility									S			P			
Industrial	Creamery												P			
Industrial	Dry Cleaning - Plant												P			
Industrial	Electronic Component - Fabrication									P			P			
Industrial	Laundry - Plant															
Industrial	Lumber Yard And Building Materials									P			P			
Industrial	Machine Shop									P			P			
Industrial	Pecan Shelling							S		S			P			
<u>Industrial</u>	<u>Printer – Large Scale</u>									<u>P</u>			<u>P</u>			
<u>Industrial</u>	<u>Rock Crusher</u>									<u>S</u>			<u>P</u>			
Industrial	Rug Cleaning									P			P			
Industrial	Welding Shop – Limited To Three Employees And Screening Of Outside Storage In “C-3”							S		S			P			
Manufacturing	Abrasive - Manufacturing												P			
Manufacturing	Acetylene Gas - Manufacturing And Storage												P			
Manufacturing	Air Products - Manufacturing												P			
Manufacturing	Artificial Limb Assembly				S					P			P			
Manufacturing	Asbestos Products - Manufacturing												P			
Manufacturing	Asphalt Products - Manufacturing												P			
Manufacturing	Bag Cleaning												P			
Manufacturing	Battery - Manufacturing												P			
Manufacturing	Beverage - Manufacturing Or Processing												P			
Manufacturing	Biomedical Products - Manufacturing												S			

		Urban			Rural			Farm		Mixed Industrial					
	<i>PERMITTED USE</i>	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI - 1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI - 2 < 3,000-sf	VILLAGE CENTER - M2
Manufacturing	Boat And Marine - Manufacturing												P		
Manufacturing	Boiler And Tank Works												P		
Manufacturing	Broom, Brush - Manufacturing									S					
Manufacturing	Building specialties - Wholesale Outside Storage Permitted									S					
Manufacturing	Bulk Plant Or Terminal												S		
Manufacturing	Can Manufacture												P		
Manufacturing	Candle - Manufacturing												P		
Manufacturing	Candy - Manufacturing									S					
Manufacturing	Canvas Products - Manufacturing									S			P		
Manufacturing	Chemical - Manufacturing Or Processing												S		
Manufacturing	Chemical/Drug - Wholesale And Storage									P					
Manufacturing	Clothing Manufacture - Chemical Process												P		
Manufacturing	Clothing Manufacture - Non-Chemical Process									S			P		
Manufacturing	Concrete Products - Manufacturing												P		
Manufacturing	Cotton Compress, Ginning And Bailing												P		
Manufacturing	Drug - Manufacturing												P		
Manufacturing	Electronic Component - Manufacturing												P		
Manufacturing	Electroplating												P		
Manufacturing	Felt Products - Manufacturing												P		
Manufacturing	Glass Manufacture												P		
Manufacturing	Grain - Drying												P		
Manufacturing	Grain - Milling												P		
Manufacturing	Hatchery												P		
Manufacturing	Hazardous Materials Hauling Or Storage												S		
Manufacturing	Hosiery - Manufacturing												P		
Manufacturing	Ice Cream - Manufacturing									P			P		
Manufacturing	Ice Plant - Manufacturing And Processing												P		
Manufacturing	Insulation Products - Manufacturing And Processing									P			P		
Manufacturing	Junkyard Or Salvage Yard												P		

		Urban			Rural			Farm		Mixed Industrial					
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Manufacturing	Petro Chemicals Bulk Storage												P		
Manufacturing	Mattress - Manufacturing And Rebuilding									S			P		
Manufacturing	Metal Forging Or Rolling Mill												S		
Manufacturing	Metal Products - Fabrication												P		
Manufacturing	Millinery - Manufacturing									S					
Manufacturing	Millwork And Wood Products - Manufacturing												P		
Manufacturing	Moving And Transfer Company - With Trucks Attached To Trailers For A Total Exceeding 24 Feet In Length									P			P		
Manufacturing	Novelty And Souvenir - Manufacture									S			P		
Manufacturing	Nuclear Or Radioactive Instrumentation - Manufacturing												S		
Manufacturing	Office Equipment, Furniture - Manufacture									P			P		
Manufacturing	Oil Well Supplies And Machinery - Manufacturing.												P		
Manufacturing	Packing And Gasket - Manufacturing												P		
Manufacturing	Packing Plant - No Rendering												P		
Manufacturing	Paints, Etc. - Manufacturing And Processing												P		
Manufacturing	Paper Products - Manufacturing												P		
Manufacturing	Petroleum - Manufacturing Or Processing												S		
Manufacturing	Pipe Storage												P		
Manufacturing	Planing Mill												S		
Manufacturing	Plastic / Vinyl - Manufacturing Or Processing												P		
Manufacturing	Playground Equipment - Manufacturing												P		
Manufacturing	Poultry Processing - Caged Hen Operation												P		
Manufacturing	Poultry Processing And Live Poultry Storage - Completely Enclosed												P		

		Urban			Rural			Farm		Mixed Industrial					
	PERMITTED / USE	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Manufacturing	Processing - Other Than Food												P		
Manufacturing	Refrigeration Equipment - Manufacturing												P		
Manufacturing	Rendering Plant												S		
Manufacturing	Sand Or Gravel - Storage And Sales												P		
Manufacturing	Shoe - Manufacturing									S			P		
Manufacturing	Shoe - Wholesale (Manufacturing Permitted)									S					
Manufacturing	Shoe Polish - Manufacturing												P		
Manufacturing	Sign Manufacture									S			P		
Manufacturing	Stone Curing, Monument - Manufacturing												P		
Manufacturing	Storage - Outside (Open With No Screening Required)									S			P		
Manufacturing	Storage - Outside (Screening From Public Rows And Adjacent Property Required)									S			P		
Manufacturing	Textile - Manufacturing												P		
Manufacturing	Tile - Manufacturing												P		
Manufacturing	Tile, Roofing And Waterproofing Products - Manufacturing												P		
Manufacturing	Tobacco - Processing												P		
Manufacturing	Tool - Manufacturing												P		
Manufacturing	Toy - Manufacturing												P		
Manufacturing	Trailer - Manufacturing												P		
Manufacturing	Venetian Blind - Cleaning And Fabrication									S			P		
Manufacturing	Vulcanizing, Recapping												P		
Manufacturing	Water Distillation												P		
Manufacturing	Well Drilling Contractor									S			P		
Manufacturing	Wire Products - Manufacturing												P		
Manufacturing	Wood Processing By Creosoting Or Other Preserving Treatment												P		
Manufacturing	Wool Pulling And Scouring												P		
Medical	Medical - Surgical Supplies Wholesale									P					

		Urban			Rural			Farm		Mixed Industrial					
<u>PERMITTED USE</u>		UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Office	Aerial Survey— Administrative Offices No On-Site Flight Services	P	P		P	P				P					
Office	Office—no restrictions on square footage unless otherwise prescribed in zoning district regulations; §§ 35-310.01 to 35-310.14, above	P	P		P	P				P		P			P
Office	Office—Less Than 3,000 square feet And less than 35 feet in height	P	P	P	P	P	P		P	P		P			P
Plants	Florist—Wholesale							P	P	P					
Plants	Landscaping Materials— Sales And Storage							P	P	P					
Plants	Nursery—Plant Wholesale Onsite Growing Permitted							P	P	P					
Print	Printer—Large Scale Other Then Quick Print									P					
Processing	Cosmetics - Manufacturing Or Processing														
Processing	Food And Food Products - Processing							S	S	P			P		
Processing	Punch Concentrate - Processing And Mixing									S			P		
Processing	Punch Concentrate Products - Mixing Only									P			P		
Processing	Recycling Facility Without Outside Storage And/Or Processing									P			P		
Processing	Recycling Facility With Outside Storage And/Or Processing												P		
Recreation	Archery Range - Outdoor							P	P	P					
Recreation	Archery Range - Indoor	P	P		P	P				P					
Recreation	Athletic Fields - Noncommercial	P	P	S	P	P	S	P	P	P	S			S	
Recreation	Athletic Fields - Commercial	P	P	S	P	P	S			P	S			S	
Recreation	Bowling Alley	P	P		P	P				P					
Recreation	Fitness Center/Health Club	P		P	P		P		P	P	P	P	P	P	P
Recreation	Golf Course (See §35-346 “G” District)														

		Urban			Rural			Farm		Mixed Industrial					
	<u>PERMITTED USE</u>	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf < 90,000-sf	RD Minor Node < 6,000-sf		FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Recreation	Golf Course - Private		S		P			S	S	S					
Recreation	Golf Course - Publicly Owned		S		P			S	S	S					
Recreation	Golf Driving Range									P					
Recreation	Gymnasium - Commercial	P			P					P					
Recreation	Gymnasium	P			P					P					
Recreation	Park - Public	P		P	P	P		P	P	S	P	P	S	P	P
Recreation	Large Scale Athletic Fields Noncommercial												P		
Recreation	Recreational Facility - Private Community Wide	P	P		P	P									
Recreation	Recreational Facility - Private Neighborhood	P	P	P	P	P	P								
Recreation	Recreational Facility - Public Community Wide	P	P		P	P									
Recreation	Recreational Facility - Public Neighborhood	P	P	P	P	P	P								
Recreation	Rifle And Pistol Range - Indoor							P	P	P			P		
Recreation	Rifle And Pistol Range - Outdoor Permitted							S		S			S		
Recreation	Skateboard Track	S	S		S	S		S		P					
Recreation	Skating Rink - Ice Or Roller Skating	P	P		P	P		S	S	P					
Recreation	Stable And Equestrian Center							P		P					
Recreation	Tennis, Racquetball Or Handball - Noncommercial (Outside Courts Permitted)	P	P	S	P	P	S	P	P	P	S			S	
Recreation	Tennis, Racquetball Or Handball - Commercial (Outside Courts Not Permitted)	P	P	S	P	P	S			P	S			S	
Recreation	Tennis, Racquetball Or Handball - Commercial (Outside Courts Permitted)	S	S	S	S	S	S			P	S			S	
Recreation	Tennis, Racquetball Or Handball - Noncommercial (Outside Courts Not Permitted)	P	P	S	P	P	S			P	S			S	
Recreation	Recreational Vehicle Park							S		P					
Retail	Air Conditioners - Retail (Incidental To Other Onsite Retail Items In "UD" and "RD" "D")	P			P							P			P
Retail	Antique Store - Retail	P	P	P	P	P	P	P	P		P	P	P	P	P

	PERMITTED USE	Urban			Rural			Farm		Mixed Industrial					
		UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI - 1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI - 2 < 3,000-sf	VILLAGE CENTER - M2
Retail	Apothecary - See (Drugstore - Apothecary)	*	*	*								*			*
Retail	Apparel And Accessory Store - Retail	P	P	P	P	P	P				P	P		P	P
Retail	Appliance - Retail (Incidental To Other Onsite Retail Items In "UD" and "RD" "D")	P	P		P	P						P			P
Retail	Art Gallery	P	P	P	P	P	P				P	P		P	P
Retail	Bakery - Retail	P	P	P	P	P	P		P		P	P		P	P
Retail	Bookstore	P	P	P	P	P	P		P		P	P		P	P
Retail	Business Machines - Retail	P	P		P	P						P			P
Retail	Camera, Photographic Equipment And Supplies -- Retail	P	P	P	P	P	P				P	P		P	P
Retail	Candy, Nut And Confectionery - Retail	P	P	P	P	P	P				P	P		P	P
Retail	Catering Shop	P	P	P	P	P	P				P	P		P	P
Retail	Convenience Store	P		P	P		P	P	P		P	P		P	P
Retail	Convenience Store (With Carwash)	P			P			P	P		P	P		P	P
Retail	Convenience Store (With Gasoline)	P			P			P	P		P	P		P	P
Retail	Convenience Store (With Gasoline And Carwash)	P			P			P	P		P	P		P	P
Retail	Convenience Store - See House - Retail Convenience Store	P	P	P	P	P	P				P	P		P	P
Retail	Convenience Store - W/ Gas Sales	P	P		P	P					P	P		P	P
Retail	Dairy Products - Retail	P	P	P	P	P	P	P	P		P			P	
Retail	Drugstore - Apothecary	P	P	P	P	P	P		P		P	P		P	P
Retail	Dry Goods - Retail	P	P	P	P	P	P				P	P		P	P
Retail	Farm Supplies							P	P	P					
Retail	Feed, Seed, Fertilizer Sales - No Outside Storage In "UD" and "RD" "C-3"	S	S		S	S		P	P	P					
Retail	Fish Market - Retail	P	P	P	P	P	P					P			P
Retail	Flea Market - Indoor	S			S					P					
Retail	Flea Market - Outdoor									S					
Retail	Floor Covering - Retail (Incidental To Other Onsite Retail Items In "D")	P	P		P	P						P			P
Retail	Florist - Retail	P	P	P	P	P	P		P		P	P		P	P
Retail	Food Locker Plant - Retail							S	S	S					
Retail	Fruit And Produce - Retail	P	P	P	P	P	P	P	P	P	P	P		P	P

		Urban				Rural				Farm			Mixed Industrial						
	<u>PERMITTED USE</u>	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf		RD Major Node Bldg Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf		FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node		MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2	
Retail	Furniture Sales - Retail	P	P			P	P												
Retail	Gift Shop - Retail	P	P	P		P	P	P						P	P		P	P	
Retail	Glass - Retail	P	P			P	P						P		P				
Retail	Grocery Store	P	P	P		P	P	P			P			P	P		P	P	
Retail	Hardware Sales - Retail (Limited To Maximum 3,000 Square Foot Total In "C-1")	P	P	P		P	P	P			P			P	P		P	P	
Retail	Head Shop	S	S			S	S												
Retail	Hobby Store - Retail (Limited To Maximum 3,000 Square Foot Total In "C-1")	P	P	P		P	P	P						P	P		P		
Retail	Home Improvement Center	P	P			P	P						S						
Retail	Jewelry Store - Retail	P	P	P		P	P	P						P	P		P		
<u>Retail</u>	<u>Landscaping Materials - Sales And Storage</u>									<u>P</u>	<u>P</u>		<u>P</u>						
Retail	Leather Goods Or Luggage Store - Retail	P	P	P		P	P	P			P			P	P		P		
Retail	Medical - Surgical Supplies Retail	P	P			P	P								P			P	
Retail	Milliner - Custom	P	P	P		P	P	P						P	P		P	P	
Retail	Music Store	P	P	P		P	P	P						P	P		P		
Retail	Newsstand	P	P	P		P	P	P			P			P	P		P	P	
Retail	Nursery - Retail (Growing Plants On-site Permitted)	P	P			P	P			P	P		P						
Retail	Nursery - Retail (No Growing Plants On-site Permitted)	P	P	S		P	P	S		P	P			<u>S</u>	P		<u>S</u>	P	
Retail	Office Equipment And Supply - Retail	P	P			P	P								P				
Retail	Paint And Wallpaper Store - Retail And Wholesale	P	P			P	P								P				
Retail	Pet Shop - Retail	P	P	P		P	P	P						<u>P</u>	P		<u>P</u>		
Retail	Plumbing Fixtures - Retail (Incidental To Other Onsite Retail Items In "D")	P	P			P	P								P				
Retail	Rug Or Carpet - Retail	P	P			P	P								P				
Retail	Secondhand Merchandise - Retail No Outside Storage Or Display Of Inventory Permitted)	P	P			P	P								P				
Retail	Shoe - Retail	P	P	P		P	P	P						<u>P</u>	P		<u>P</u>		
Retail	Silk Screening - Retail	P	P			P	P								P				
Retail	Sporting Goods - Retail	P	P	P		P	P	P						<u>P</u>	P		<u>P</u>		

		Urban			Rural			Farm		Mixed Industrial					
		UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
	<u>PERMITTED USE</u>														
Retail	Stamps And Coin Sales – Retail	P	P	P	P	P	P				P	P		P	
Retail	Stationary Products - Retail	P	P	P	P	P	P				P	P		P	P
Retail	Tamale - Preparation Retail (Less Than 2,000 Square foot In "C-1" And "C-2")	P	P	S	P	P	S			P	S			S	
Retail	Thrift Store - Retail See (Secondhand Merchandise)	*	*	*											
Retail	Tobacco Store - Retail	P	P	P	P	P	P				P	P		P	P
Retail	Toy Store - Retail	P	P	P	P	P	P				P	P		P	
Retail	Trophy Sales, Engraving And Assembly	P	P	P	P	P	P				P	P		P	P
Retail	Variety Store - Retail	P	P	P	P	P	P				P	P		P	P
Sales	Boat - Sales And Service									S					
Sales	Machinery, Tools And Construction Equipment Sales And Service									S			P		
Sales	Farm Equipment Sales, Service Or Storage							P	P	P			P		
Sales	Oil Well Supplies And Machinery Sales - used							S	S	S			P		
Sales	Portable Building Sales									S			P		
<u>School</u>	<u>School – Business or Commercial Trade</u>	P			P			P	P	P					
School	School - Private University Or College	P	P		P	P		P	P	P					
School	School - Public University Or College	P	P		P	P		P	P	P					
School	School - Montessori	P	P	P	P	P	P	P	P		P			P	
School	School - Nursery (Public And Private)	P	P	P	P	P	P	S	S		P			P	
School	School - Private Pre- Kindergarten Through 12th Grade	P	P	P	P	P	P	P	P		P			P	
School	School - Public Pre- Kindergarten Through 12th Grade	P	P	P	P	P	P	S	S		P			P	
<u>School</u>	<u>Vocational Trade (No Outside Storage & Training Area Permitted)</u>	P		P	P		P	P	P	P	P		P	P	
<u>School</u>	<u>Vocational Trade (Outside Storage & Training Area Permitted)</u>							P	P	P	S		P	S	

		Urban			Rural			Farm		Mixed Industrial					
	<u>PERMITTED USE</u>	UD Major Node >90,000-sf	<90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf	<90,000-sf	RD Minor Node <6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 <3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 <3,000-sf	VILLAGE CENTER - M2
Service	Air Conditioning / Refrigeration - Service And Repair									P					
Service	Altering/Repairing Of Apparel	P	P	P	P	P	P				P	P		P	
Service	Ammunition - Manufacturing, Loading And Storage												S		
Service	Appliance - Repair Major	P	P		P	P				S					
Service	Appliance - Repair Small	P	P	P	P	P	P				P			P	
Service	Assisted Living Facility	P		P	P		P				P			P	
Service	Auditorium	P	P		P	P									
Service	Bail Bond Agency	S		S	S		S				S			S	
Service	Bank, Credit Union Savings and Loan	P	P	S	P	P	S		S		S	P		S	P
Service	Barber Or Beauty Shop	P	P	P	P	P	P		P		P	P		P	P
Service	Bicycle - Repair	P	P	P	P	P	P				P			P	
Service	Boat And Marine - Storage (Outside Permitted)									S					
Service	Caterers (No On-Premises Food Services)	P		P	P		P				P			P	
Service	Body Piercing	P	P		P	P									
Service	Cemetery Or Mausoleum					S	S	S	S						
Service	Charitable – Food And/Or Clothing Bank	P			P										
Service	Construction Trades Contractors									P			P		
Service	Copy Or Blueprinting – Example "Quick Print"	P	P	P	P	P	P					P			P
Service	Copy Service - Blueprinting And Photocopying	P	P	P	P	P	P					P			P
Service	Cosmetics – Permanent	P	P	P	P	P	P				P			P	
Service	Day care Center - Child And/Or Adult Care	P	P	P	P	P	P		P		P	P		P	P
Service	Delicatessen	P	P	P	P	P	P		P			P			P
Service	Dry Cleaning - Limited To Five (5) Employees	P	P		P	P				P		P			P
Service	Dry Cleaning - Pickup Station Only	P	P	P	P	P	P		P	P	P	P		P	P
Service	Electric Repair - Heavy Equipment									P					
Service	Electric Repair - Light Equipment									P					
Service	Electronic Equipment - Repair	P	P	P	P	P	P			P	P			P	

		Urban			Rural			Farm		Mixed Industrial					
	PERMITTED USE	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	M1 - 1	M1-1 Minor Node M1-1 < 3,000-sf	VILLAGE CENTER - M1	M1 - 2	M1-2 Minor Node M1-2 < 3,000-sf	VILLAGE CENTER - M2
Service	Elevator Maintenance - Service									P					
Service	Employment Agency	P	P		P	P						P			P
Service	Exterminators									P					
Service	Extended Stay Hotel or Timeshares	P		P	P	P				P		P			
Service	Food Service Establishment Without Cover Charge 3 or More Days Per Week (With or Without Accessory Live Entertainment) Food-Restaurant Or Cafeteria	P	P	P	P	P	P		P		P	P		P	P
Service	Food Service Establishment With Cover Charge 3 or More Days Per Week (With or Without Accessory Live Entertainment)	S		S	S				S		S			S	
Service	Food, Mobile Vending (Base Operations)									P			P		
Service	Funeral Home Or Undertaking Parlor	S	S		S	S	S			P	S			S	
Service	Furniture Repair / Upholstering	P	P		P	P				P					
Service	Gasoline Filling Station (Without Repair Or Carwash)	P			P			P	P		P	P		P	P
Service	Gasoline Filling Station (With Repair) Gasoline Filling Station-W/O Repair Service (Car Wash Allowed)	P	P		P	P		P	P		P	P		P	P
Service	Gasoline Filling Station (With Repair And/Or Carwash) Gasoline Filling Station-With Repair Service And/Or Car Wash	P	P		P	P		P	P		P	P		P	P
Service	Gasoline Filling Station - Fleet									P			P		
Service	Group Day Care Limited to 12 Individuals	P		P	P	P									
Service	Gunsmith	S	S		S				S	P					
Service	Gymnasium - Commercial	P	P		P	P				P					
Service	Hotel	P		P	P	P									

		Urban			Rural			Farm		Mixed Industrial					
	<i>PERMITTED USE</i>	UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf	< 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Service	Hotel taller than 35 feet when unable to achieve additional height pursuant to §35-517(d) Setbacks for Height Increases	S													
Service	Human Services Campus	S			S										
Service	Janitorial / Cleaning Service	P	P		P	P				P					
Service	Laboratory - Research	S			S					P					
Service	Laboratory - Testing	S			S					P					
Service	Laundry And Dry Cleaning - Self Service	P	P	P	P	P	P				P	P		P	P
Service	Laundry- Limited To Max Of Five (5) Employees	P	P		P	P		P		P		P			P
Service	Laundry Or Dry Cleaning - Pickup Station Only	P	P	P	P	P	P	P	P		P	P		P	P
Service	Lawnmower Repair And Service - No Outside Storage In "UD" or "RD" "C-2"	P	P		P	P						P			P
Service	Library	P	P	P	P	P	P		P		P	P		P	P
Service	Linen Or Uniform Supply, Diaper Service (Pickup And Supply Only)	P	P		P	P				P		P			P
Service	Loan Office	P	P	P	P	P	P		P			P			P
Service	Locksmith	P	P	P	P	P	P				P	P		P	P
Service	Manufactured Home / Oversize Vehicle Sales, Service Or Storage									P					
Service	Massage - Parlor														
Service	Massage - Therapeutic	P	P	P	P	P	P				P	P		P	P
Service	Medical - Chiropractor Office	P	P	P	P	P	P		P		P	P		P	
Service	Medical - Clinic (Physician And/Or Dentist)	P	P	P	P	P	P		P		P	P		P	P
Service	Medical - Clinic Physical Therapist	P	P	P	P	P	P				P	P		P	P
Service	Medical - Hospital Or Sanitarium	P	P		P	P				S					
Service	Medical - Laboratory Dental Or Medical	P	P		P	P				P					
Service	Medical - Optical Goods Retail	P	P	P	P	P	P				P	P		P	P
Service	Medical - Optical Goods Wholesale									P					
Service	Medical - Optician	P	P	P	P	P	P		P		P	P		P	P
Service	Medical - Optometry Office	P	P	P	P	P	P		P		P	P		P	P

	PERMITTED USE	Urban			Rural			Farm			Mixed Industrial					
		UD Major Node > 90,000-sf	< 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf < 90,000-sf	RD Minor Node < 6,000-sf		FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node		MI - 1 MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2	
Service	Mini Warehouse/Self Storage	P	P		P	P					P		P			
Service	Mortuary - Embalming And Preparation Only										S					
Service	Movie Rentals	P	P	P	P	P	P				P	P		P	P	
Service	Nursing Facility	P		P	P	P					P					
Service	Office Call Center	P			P						P					
Service	Office Data Processing & Management	P			P						P					
Service	Office, Professional	P		P	P	P		P			P	P	P		P	P
Service	Palm Reading	P	P	P	P	P	P				P	P		P	P	
Service	Party House, Reception Hall, Meeting Facilities	P			P						P					
Service	Pawn Shop	P	P		P	P						P				
Service	Picture Framing	P	P	P	P	P	P				P	P		P	P	
Service	Post Office	P	P	P	P	P	P	P	P		P	P		P	P	
Service	Reading Room	P	P	P	P	P	P				P	P		P	P	
Service	Record Storage Facility (Electronic And/Or Paper)	P			P						P					
Service	Reducing Salon	P	P		P	P						P			P	
Service	Rental - Event Specialties (No Outside Storage And/Or Display Allowed)	P			P						P					
Service	Rental - Tool, Equipment, And Event Specialties (Fenced And Screened; Outside Storage And Display Permitted)	S			S						P					
Service	Rooming House	P		P	P	P										
Service	School - Business College	P	P		P	P						P			P	
Service	School - Trade (No Outside Storage And Training Area Permitted)	P	P		P	P						P			P	
Service	School - Trade (Outside Storage And Training Area Permitted)										P		P			
Service	Self-Defense Instruction	P	P	P	P	P	P				P	P		P	P	
Service	Shoe - Repair	P	P	P	P	P	P				P	P		P	P	
Service	Sign Shop - No Outside Storage	P	P		P	P	P				P					
Service	Skilled Nursing Facility	P		P	P	P										
Service	Specified Financial Institution (see 35-394)	S		S	S	S					S			S		
Service	Storage, Climate Controlled	P			P	P					P		P	P		P

		Urban			Rural			Farm		Mixed Industrial					
		UD Major Node >90,000-sf	<90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf	<90,000-sf	RD Minor Node <6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
	<u>PERMITTED USE</u>														
Service	Storage, Cold									P			P		
Service	Storage, Moving Pod (See Definition In Appendix A)	P		P	P		P	P	P	P	P	P	P	P	P
Service	Storage Shipping Container (See Definition In Appendix A. Requires Registration Affidavit With Planning And Development Services Dept.)	S		S	S		S	S	S	P	S	S	P	S	S
Service	Studio - Fine Or Performing Arts	P	P	P	P	P	P				P			P	
Service	Studio - Interior Decorating	P	P	P	P	P	P				P	P		P	
Service	Studio - Photographic	P	P	P	P	P	P				P	P		P	
Service	Studio - Sound And Recording	P	S		P	S				P					
Service	Tailor Shop	P	P	P	P	P	P		P		P	P		P	
Service	Tattoo Parlor/Studio	P	P		P	P						P			
Service	Taxidermist							S		P					
Service	Temporary Common Worker Employer									P					
Service	Tool Rental - Fenced And Screened Outside Storage Permitted	S	S		S	S		P		P					
Service	Tool Rental - Outside Storage Permitted							S		P					
Service	Tree Cut And Trim Service							S		P					
Service	Watch Repair	P	P	P	P	P	P				P	P		P	P
Social	Club - Private	P	P		P	P		P	P			P			P
Social	Clubhouse - Private Including Lodges And Meeting Halls	P	P		P	P		P	P			P			P
Storage	Carting, Crating, Hauling, Storage												P		
Storage	Cold Storage Plant												P		
Storage	Fur Dyeing, Finishing And Storing									S					
Storage	Ice Cream Truck Storage												P		
Storage	Moving Company									P			P		
Storage	Self Service Storage	P		P	P		P			P		P	P		P
Storage	Storage - Outside (Under Roof And Screened)									P			P		

		Urban		Rural		Farm		Mixed Industrial					
PERMITTED USE		UD Major Node > 90,000 sf	UD Minor Node < 90,000 sf	RD Major Node Bldg Footprint > 90,000 sf	RD Minor Node < 90,000 sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI-1 < 3,000 sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI-2 < 3,000 sf	VILLAGE CENTER - M2
Transportation	Airport - Non-Governmental					S					S		
Transportation	Bus Shelter (Max Size 6'x13')	P	P	P	P	P	P	P	P	P	P	P	P
Transportation	Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P
Transportation	Freight Depot					P		S			P		
Transportation	Heliport					S		S			P		
Transportation	Helistop	S		S		S		S			P		
Transportation	Passenger Depot	S	S	S	S	S		P			P		
Transportation	Transit Bus Maintenance Facility							P					
Transportation	Transit Bus Storage Facility							P					
Transportation	Transit Center	P	P	P	P		P	P	P	P	P	P	P
Transportation	Transit Park & Ride	P	P	P	P		P	P	P	P	P	P	P
Transportation	Transit Station	S	S	S	S		S	S	S	S	S	S	S
Transportation	Transit Transfer Center (Max Size 14'x33' And Total Footprint No Larger Than 30'x40')	P	P	P	P		P	P	P	P	P	P	P
Utilities	Radio Or Television Station Without Transmission Tower	P	P	P	P	S	S	S			S		
Utilities	Small Wind Energy Systems, subject to §35-398(a)	S	S	S	S	P	P	P	P	P	P	P	P
Utilities	Solar Farm, Photovoltaic, subject to §35-398(b)	S	S	P	P	P	P	P	P	P	P	P	P
Utilities	Telephone Equipment Infrastructure	S	S	S	S	S	S	P			P		
Utilities	Wireless Communication Systems	S	S	S	S	S	S	S			P		
Utility	Sanitary Landfill, Solid Waste Facility										S		
Warehouse	Office Warehouse (Flex Space) - Outside Storage Not Permitted							P			P		
Warehousing	Warehousing							P			P		
Wholesale	Bakery - Wholesale							S					
Wholesale	Barber And Beauty Equipment - Wholesale							P					

		Urban			Rural			Farm			Mixed Industrial					
	<u>PERMITTED USE</u>	UD Major Node >90,000-sf	<90,000-sf	UD Minor Node <6,000-sf	RD Major Node Bldg-Footprint > 90,000-sf	<90,000-sf	RD Minor Node <6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node		MI - 1	MI-1 Minor Node MI-1 < 3,000-sf	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node MI-2 < 3,000-sf	VILLAGE CENTER - M2
Wholesale	Camera, Photographic Equipment And Supplies – Wholesale										P					
Wholesale	Dairy Equipment Sales – Wholesale							P	P		P			P		
Wholesale	Dairy Products - Wholesale							P	P		S					
Wholesale	Drug Sales - Wholesale										S					
Wholesale	Fish Market - Wholesale							S	S		P					
<u>Wholesale</u>	<u>Florist</u>							<u>P</u>	<u>P</u>		<u>P</u>					
Wholesale	Food Products - Wholesale And Storage							P	P		P					
Wholesale	Fruit And Produce – Wholesale							P	P		P					
Wholesale	Furniture Sales – Wholesale										P					
Wholesale	Glass - Wholesale										P					
Wholesale	Grocery - Wholesale										S			P		
Wholesale	Hardware Sales – Wholesale										P					
Wholesale	Office Equipment And Supply - Wholesale (Incidental To Other Onsite Retail Items In "D")										P					
<u>Wholesale</u>	<u>Nursery - Plant Wholesale Onsite Growing Permitted</u>							<u>P</u>	<u>P</u>		<u>P</u>					
Wholesale	Paper Supplies - Wholesale (Incidental To Onsite Retail Items In "C-3" And "D")										P			P		
Wholesale	Plumbing Fixtures - Wholesale										P					
Wholesale	Shoe - Wholesale No Manufacturing										P					
Wholesale	Sporting Goods - Wholesale (Incidental To Onsite Retail Items In "D")										P					
Wholesale	Stone Monument - Retail And Wholesale										P					
Wholesale	Tamale - Preparation Wholesale (Less Than 2,000 Square Foot In "C-1" And "C-2")										P					
Farm And Ranch	Bulk Grain And Feed Storage							P	S		P					
Farm And Ranch	Farming (Crops And Livestock)							P	P		P					
Farm And Ranch	Farmers Cooperative							P	P		P					

	PERMITTED USE	Urban			Rural			Farm		Mixed Industrial					
		UD Major Node > 90,000-sf	UD Minor Node < 90,000-sf	UD Minor Node < 6,000-sf	RD Major Node Bldg Footprint > 90,000-sf	RD Minor Node < 90,000-sf	RD Minor Node < 6,000-sf	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node MI - 1 < 3,000-sf	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node MI - 2 < 3,000-sf	VILLAGE CENTER - M2
Farm And Ranch	Farmers Market							P	P	P					
Farm And Ranch	Greenhouse - Non Retail							P	P	P					
Farm And Ranch	Orchard							P	P	P					
Farm And Ranch	Ranch							P	P	P					
Farm And Ranch	On-Site Storage of Farm Equipment							P	P	P					
Farm And Ranch	Retail - Crafts								P		P				
Auto	Auto Manufacturing Assembly Operations (< 5 acres)									P			P		
Auto	Electronic Component Manufacturing (< 5 acres)									P			P		
Auto	Metal Fabrication (< 5 acres)									P			P		
Auto	Plastics Manufacturing (< 5 acres)									P			P		
Auto	Plating Manufacturing												P		
Auto	Plating Manufacturing (< 5 acres)									P			P		
Auto	Auto Parts Sequencing And Assembly												P		
Auto	Auto Parts Sequencing And Assembly (< 5 acres)									P			P		

* * * * *

Chapter 35, Article III, Section 35-334 is amended as follows:

35-334. "MAOZ" Military Airport Overlay Zones.

* * * * *

(a) Definitions and Boundaries.

* * * * *

Official Map. The specific boundaries of the military airport overlay zones are shown on the official zoning map maintained by the City of San Antonio ~~in the department of development.~~

* * * * *

(c) Uses.

* * * * *

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

Chapter 35, Article III, Section 35-335 is amended as follows:

35-335. "NCD" Neighborhood Conservation District.

* * * * *

(d) Initiation Procedures.

- (1) A zoning change application for designation as a neighborhood conservation district shall be initiated at the direction of the:
 - A. A request of owners representing fifty-one (51) percent of the land area within the proposed district, or
 - B. Request of fifty-one (51) percent of property owners within the proposed district, or
 - C. Planning and community development director ~~Director of planning and development services~~, pursuant to a neighborhood or community plan adopted by city council, or city or community revitalization program.
- (2) Following initiation for designation of a neighborhood conservation district, the department of planning and community development services shall develop a neighborhood conservation plan for the proposed district that follows subsection 35-335(b)(3) and includes:

* * * * *

(e) Design Standards.

* * * * *

- (3) The design standards for the neighborhood conservation district must include at a minimum (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

* * * * *

E. Front and side ~~yard~~ setbacks;

* * * * *

(f) **Neighborhood Ordinance Administration**

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

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

* * * * *

Chapter 35, Article III, Section 35-337 (b) (3) is amended as follows:

Sec. 35-337. - "VP" Viewshed Protection Districts.

(b) Zoning Process and Classification.

(3) The office of historic preservation ~~departments of planning public works, and development services~~ shall undertake land use and other background studies necessary to designate a viewshed protection district. All property owners within the proposed district and adjacent areas shall be afforded the opportunity to comment on the ordinance regulations.

Chapter 35, Article III, Section 35-339 (b) (2) is amended as follows:

Sec. 35-339. - Urban Corridor Districts (1987).

(b) Site Plan.

(2) Plan Consideration. Upon submission, each site plan shall be reviewed by the staff for compliance with the standards of the corridor zoning district. If approved, the plan shall be so annotated and one (1) copy of the approved plan shall be returned to the applicant and one (1) copy retained by the department of development services ~~building inspections~~.

Chapter 35, Article III, Section 35-339.01 is amended as follows:

35-339.01. Corridor Districts.

* * * * *

(c) Initiation Procedures and Zoning Classification

(2) The department of planning and community development services shall undertake land use and other background studies necessary to establish a corridor district. All property owners within the proposed corridor district and adjacent areas shall be afforded an opportunity to participate in drafting the proposed regulations through public hearings and meetings.

(d) **Boundaries.** Corridor districts shall be designated on both sides of a street except when one side is not located within the City of San Antonio. The maximum width of a corridor district along either side of the street right-of-way shall not exceed the distance indicated in Table 339.01-1; however structures on lots with access to the corridor street but, due to topography of the property, are not visible from the corridor street shall be exempt from the requirements of individual corridor ordinances. The planning and community development director ~~of planning and development services~~ shall make this determination based on the materials submitted by the applicant pursuant to subsection (g) below.

(f) **Development and Design Standards.** Development and design standards for the corridor district may only include the following elements and no others governing the physical characteristics and features of all property (public or private) within the proposed corridor district:

(4) Front and side ~~yard~~ setbacks;

(g) **Corridor Ordinance Administration.**

(4) No building permit shall be issued by the department of ~~planning and development~~ services for new construction or an alteration or addition to the street facade of an existing building or structure within a designated corridor district without the submission and approval of design plans submitted in conformance with the development and design standards established pursuant to subsection (f) above and the issuance of a certificate of compliance by the planning director, provided however, a sign permit may be issued upon review of the applicable corridor ordinance by the department of ~~planning and development~~ services without issuance of a certificate of compliance by the planning and community development director.

(5) The director of ~~planning and development~~ services shall forward a copy of a building permit application to the planning and community

development director for review and comment. Upon receipt of all submittal materials required in subsection (1), the planning and community development director shall issue or deny a certificate of compliance to the applicant within ten (10) working days. If approved or disapproved the plan shall be so annotated and the plan shall be returned to the department of ~~planning and~~ development services.

- (j) **Optional Provisions.** Notwithstanding the minimum front setback established for a corridor district, an individual lot shall be entitled to a reduction of up to twenty-five (25) percent of the minimum front street yard setback, if, from the materials submitted by the applicant pursuant to subsection (g) above, the planning and community development director determines at least one (1) of the following conditions exists:

Chapter 35, Article III, Section 35-339.02 (a) (2) is amended as follows:

Sec. 35-339.02. - "EP" Facility Parking/Traffic Control Districts.

(a) Zoning Process and Classification.

(2) The departments of planning and community development, development services, code enforcement services ~~compliance~~, and police department shall evaluate land use, traffic and other development related issues in determining the necessity of establishing a facility parking/traffic control district. All property owners within the proposed district and adjacent areas shall be afforded the opportunity in accordance with zoning regulations to comment on the ordinance regulations and proposed district(s).

Chapter 35, Article III, Section 35-339.03 is amended as follows:

Sec. 35-339.03. - "NHS" National Highway System High Priority Corridor Districts.

- (a) **"NHS" High Priority Corridor District Established.** This section authorizes the establishment of an "NHS" high priority corridor overlay district. However, separate ordinances are required to establish each district. This division also specifies the general purposes of the "NHS" high priority corridor district and the scope of the standards that the separate ordinances may address. Ordinances establishing each district shall identify the street corridor(s) and specify the individual purposes and standards for that district. In event of a conflict between the provisions of a specific corridor ordinance and other provisions of the City Code, the provisions of this section shall apply.

(Commentary - "NHS" priority corridor districts established as of January 1, 2005 include:

1. The "IH-35" North Corridor District Ordinance No. 99358 dated June 24, 2004. Details relative to specific design standards and requirements are maintained

in the ~~director of~~ planning and community development director's ~~services's~~ office.)

- (f) **Development and Design Standards.** Development and design standards for the corridor district may only include the following elements and no others governing the physical characteristics and features of all property (public or private) within the proposed corridor district:

- (4) Front and side ~~yard~~ setbacks;

(g) Corridor Ordinance Administration.

(4) No building permit shall be issued by the department of ~~planning and~~ development services for new construction or an alteration or addition to the street facade of an existing building or structure within a designated "NHS" high priority corridor district without the submission and approval of design plans submitted in conformance with the development and design standards established pursuant to subsection (f) above and the issuance of a certificate of compliance by the planning and community development director, provided however, a sign permit may be issued upon review of the applicable corridor ordinance by the department of ~~planning and~~ development services without issuance of a certificate of compliance by the planning and community development director.

(5) The ~~director of planning and~~ development services director shall forward a copy of a building permit application to the planning director for review and comment. Upon receipt of all submittal materials required in subsection (1), the planning and community development director shall issue or deny a certificate of compliance to the applicant within ten (10) working days. If approved or disapproved, the plan shall be so annotated and the plan shall be returned to the department of ~~planning and~~ development services.

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

35-343. "IDZ" Infill Development Zone.

(a) Locational Criteria

- (2) **Mapping.** The department of planning and community development ~~services~~ may prepare a map of infill development zones "IDZ"s which meet the criteria set forth above. The "IDZ" may be approved by the city council as part of the official zoning map.

(b) Use Regulations

- (2) When the ordinance designates the "IDZ" as a base zoning district it shall be accompanied by a zoning~~each use within the "IDZ" must be identified on a~~ site plan which shall be filed with the application for rezoning and be incorporated into the ordinance designating the "IDZ" as a base zoning district. The zoning site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" district. A zoning site plan for an "IDZ" shall include:

- A. Legal description and exhibit of the property at appropriate scale showing the area to be zoned "IDZ".
- B. The location of all land use categories. Categories may include single-family residential, mixed residential (one (1) to four (4) residential units per structure), multi-family residential, retail, service, office, institutional, industrial, and parks/open space. Multiple categories may be designated where a building is sited to include two (2) or more categories of uses.
- C. The location of all streets.

Chapter 35, Article III, Section 35-344 is amended as follows:

35-344. "PUD" Planned Unit Development District.

(f) Infrastructure Requirements.

- (4) **Garbage Collection.** If in the opinion of the solid waste management ~~director of environmental services~~, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the solid waste management ~~director of environmental services~~. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the finance director of finance.

(k) Time Limit.

(1) Applications.

The director of development services shall provide a written response indicating whether or not the Planned Unit Development application is complete within five (5) working days after submittal. The applicant shall file a written response to any staff comments or resolve outstanding issues prior to final approval of completeness. This response shall occur within thirty (30) days of the notification date of staff comments unless a time extension is requested and granted in writing. The maximum limit on an extension is six (6) months from the original staff comment date. The appellate agency for purposes of completeness review shall be the planning commission.

PUD plan application approval shall expire, and shall be void for all purposes if a PUD plan is not approved in accordance with this chapter within two (2) years from the date of acceptance of the complete application. Upon expiration of the PUD plan application, a new PUD plan number, application, and fee shall be required if PUD plan approval is still sought.

(2) PUD Approval and Completion.

A ~~An approved~~ PUD plan, deemed complete and approved, shall remain valid for a period of ~~six (6) three-(3)~~ years from the date of the last recorded plat or the date of planning commission approval if no plats are recorded. Time extensions for up to ~~one year two-(2)~~ years may be granted by the planning commission if it finds that additional time is warranted. Failure to initiate development within the approved time period shall void the ~~approved~~ PUD plan and no building permits or utility connections shall be issued until a new ~~application and~~ ~~or revised~~ plan ~~have~~ ~~has~~ been ~~submitted~~ ~~resubmitted~~ and ~~approved by the commission.~~

(3) Amendments.

An approved/completed PUD may be amended in the future subject to any applicable criteria or requirements of this chapter.

Chapter 35, Article III, Section 35-345 is amended as follows:

35-345. "MPCD" Master Planned Community Districts.

* * * * *

(c) Site Plan.

(1) Simultaneous with the request for "MPCD" zoning, an "MPCD" site plan shall also be filed. An application for rezoning to an "MPCD" shall not be deemed complete unless accompanied by a proposed "MPCD" site plan. The "MPCD" site plan shall be governed by subsection 35-412(c), Completeness Review, and subsection 35-412 ~~(f)~~ ~~(e)~~, Approval Criteria, of this chapter. In addition to the

applicable requirements of article V of this chapter, the "MPCD" site plan shall also be reviewed for compliance with the terms of this section.

* * * * *

- (i) **Open Space.** Each "MPCD" plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Open space shall include yards, as well as any parks or open space areas which conform to the parks/open space standards of this chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half (1/2) of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity,
- (1) **Open Space Percentages.** The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within the MPCD boundary a ~~PUD~~ by the gross site area. The land use category shall be determined by the base zoning district. For "MPCDs" ~~PUDs~~ which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

Land Use Category	Required Open Space (in percent)
Residential	35%
Nonresidential	20%
<u>Mixed use</u>	<u>20%</u>

- (2) **Reduction in Open Space.** At its discretion, the zoning commission may recommend a decrease in the amount of required open space within the "MPCD" when the "MPCD" plan includes ~~unique design features or amenities~~ in accordance with Table 503-4 Parks Facilities Credit of Article V. The Parks & Recreation Department may make a recommendation to the Zoning Commission Such amenities shall be clearly identified on the "MPCD" plan and the amount of credit given to for each one, ~~which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).~~
- (3) All open space areas, boundaries and credit shall be identified within the "MPCD" plan boundary.

* * * * *

Chapter 35, Article III, Section 35-346 is amended as follows:

35-346 "G" Golf Course District

* * * * *

(f) Fences.

Golf courses within the G District shall be permitted to have predominantly open fences up to eight feet (8') in height, and up to twelve feet (12') in height where the fence encloses a driving range, in accordance with §6-2 of the Building Code.

* * * * *

Chapter 35, Article III, Section 35-347 is amended as follows:

35-347. "BP" Business Park District.

- (a) Locational Criteria. A business park district may be located adjacent to any freeway, arterial, principal arterial or nonresidential collector street.
- (b) Development Standards. All uses and development activities within a business park district shall conform to the regulations for an office or institutional campus, section 35-205, excluding subsection 35-205 (i) (j) (parks and open space standards). (Applicants electing to seek approval of an office or institutional campus use pattern shall be subject to subsection 35-205 (i) (j).)

* * * * *

Chapter 35, Article III, Section 35-349 (b) (11) is amended as follows:

Sec. 35-349. - "SGD" Sand and Gravel District.

(b) Operating Standards.

- (11) **Industrial Waste Monitoring.** Upon request of the city fire department and/or solid waste management ~~environmental services~~ department, any person operating an activity within an "SGD" shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the "SGD". Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

Chapter 35, Article III, Section 35-350 (c) (10) is amended as follows:

Sec. 35-350. - "QD" Quarry District.

(c) Operating Standards.

- (10) **Industrial Waste Monitoring.** Upon request of the city fire department and/or solid waste management department ~~city public works~~ ~~environmental~~, any person operating an activity within a "QD" shall

provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the "QD". Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

Chapter 35, Article III, Section 35-351 is amended as follows:

35-351. "MR" Military Reservation District.

STATEMENT OF PURPOSE

These districts are used to designate federal and state military reservations within the city limits of San Antonio. In accordance with V.T.C.A. Local Government Code § 211.013, the city's zoning regulations do not apply to buildings, other structures, or land under the control, administration, or jurisdiction of a state or federal agency and uses within these districts are regulated solely by the responsible federal or state agency. ~~In the event any land within this classification is sold, released, or otherwise conveyed to private ownership, the zoning commission shall institute proceedings on its own motion to appropriately rezone the land in harmony with the intent of this chapter according to the rules and regulations established herein for changes in zoning classifications.~~

(a) Purpose. The purpose of the military reservation "MR" zoning district is to provide a zoning classification for federal and state military reservations within the city limits of San Antonio. Interim development standards are set forth in this subsection in the event any land within this classification is sold, released, or otherwise conveyed to private ownership and shall be the basis for the issuance of any development approvals until the property is rezoned.

(b) Development Restrictions Within "MR" Zoning Districts.

(1) Uses permitted within a "MR" zoning district shall be the uses permitted in the "O-1" zoning district.

(2) The development standards applicable to a "MR" zoning district shall be those required within the "O-1" zoning district.

* * * * *

Chapter 35, Article III, Section 35-357 is amended as follows:

Sec. 35-357. - "FBZD" Form Based Zoning Development District.

* * * * *

(b) **Consolidated Review Committee.**

- (1) The planning and community development ~~services~~ department shall establish and coordinate a consolidated review committee (CRC) comprising a representative from each of the various regulatory agencies and staff that have jurisdiction over the permitting of a project. The CRC shall provide a single interface with the applicant.
- (2) The composition and jurisdiction of the CRC shall be as provided in subsection 35-209(a) (2) process.
- (3) Decisions rendered by the CRC may be appealed to the director of the planning and community development ~~services~~ department.

* * * * *

(e) Completeness Review.

- (1) For all applications for "FBZD" zoning, the director of the planning and community development ~~services~~ department shall prepare a sector analysis. The sector analysis shall incorporate regional planning principles based on geographic characteristics (including, but not limited to, topography and transportation networks) and growth management priorities by utilizing the sector system described in subsection 35-209(b) sector analysis report. This analysis shall be used to determine the appropriateness of the zoning request within the context of a regional planning perspective. The applicant shall submit the request for analysis to the planning and community development ~~services~~ department. The analysis shall be completed within fifteen (15) working days of the request. Projects over five hundred (500) acres shall be completed within twenty-five (25) working days. The zoning request shall not be deemed complete until this analysis has been completed by the department of planning and community development ~~services~~. If the sector analysis is not completed within the time allowed, the zoning request may be submitted by the applicant. Analysis submitted after the zoning application has been deemed complete shall continue to be a factor to determine the appropriateness of the zoning request and shall be included in staff report to zoning commission.

* * * * *

(g) Amendments to Zoning Site Plan.

- (1) Revisions to a previously approved zoning site plan shall be classified as minor or major changes. An application for a minor or major change to a zoning site plan shall be submitted to the ~~director of~~ planning and community development ~~services~~ director and shall be subject to subsection 35-421(c) completeness review provisions of this chapter. Within fifteen (15) working days after filing the proposed revisions, required items and information, the consolidated review committee (CRC) shall provide a written response indicating whether or not the submitted revised zoning site plan has been accepted as a minor or major revision. If the CRC finds that the revised submittal is a minor change then said submittal shall be processed by the CRC and shall not require review by the zoning commission or approval by the city

council. If the CRC finds that the proposed revision is a major change then said proposed major revision shall be processed in the same manner as the initial zoning site plan submittal described in subsection (f) of this section. If written response is not received from CRC within fifteen (15) working days, change shall be deemed a major change.

* * * * *

Chapter 35, Article III, Section 35-358 (b) is amended as follows:

35-358. “AE-1”, “AE-2”, “AE-3”, and “AE-4” Arts and Entertainment Districts.

(b) Administration.

* * * * *

(3) No building permit shall be issued by the ~~planning and development services department~~ for new construction or an alteration or addition to an existing building or structure without the submission and approval of design plans submitted in conformance with the development and design standards established pursuant to subsection (f) above and the issuance of a certificate of compliance by the ~~director of the planning and community development services director department~~. However, a sign permit may be issued upon review of the applicable ordinance by the ~~planning and development services department~~ without issuance of a certificate of compliance.

(4) Upon receipt of all submittal materials required in subsection (1), the director of the ~~planning and community development services department~~ shall issue or deny a certificate of compliance within ten (10) working days. If approved or disapproved the plan shall be so annotated.

* * * * *

Chapter 35, Article III, Table 358-1 is amended as follows:

**TABLE 358-1
ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX**

			<i>AE-2</i>			
	<i>PERMITTED USE</i>	<i>AE-1</i>	<i>Corner</i>	<i>Interior</i>	<i>AE-3</i>	<i>AE-4</i>
Alcohol	Bar and/or Tavern Without Cover Charge 3 or More Days per Week				S	
Alcohol	Bar and/or Tavern with Cover Charge 3 or More Days per Week				S	
Alcohol	Nightclub without Cover Charge 3 or More Days per Week				S	
Alcohol	Nightclub with Cover Charge 3 or More Days per Week				S	
* * * *						

			AE-2			
	PERMITTED USE	AE-1	Corner	Interior	AE-3	AE-4
Amusement	Live Entertainment without Cover Charge 3 or More Days per Week (not including food service establishments)	<u>S</u>			<u>S</u>	
Amusement	Live Entertainment with Cover Charge 3 or More Days per Week (not including food service establishments)	<u>S</u>			<u>S</u>	
* * * *						
Amusement	Museum-public or private	<u>P</u>	<u>P</u>		<u>P</u>	
* * * *						
Industrial	Printer – Large Scale Other Than Quick Print					P
* * * *						
Manufacturing	Storage – Outside (Screening From Public Rows And Adjacent Property Required)					P
* * * *						
Plants	Florist – Wholesale					P
Plants	Landscaping Materials – Sales & Storage					P
Plants	Nursery – Plant Wholesale Onsite Growing permitted					P
* * * *						
Retail	Landscaping Materials - Sales & Storage					P
* * * *						
Service	Copy Or Blueprinting – Example “Quick Print”	<u>P</u>	<u>S</u>		<u>P</u>	
Service	Food Service Establishment without Cover Charge 3 or More Days per Week (with or without accessory live entertainment)	<u>P</u>	<u>P</u>		<u>P</u>	
Service	Food Service Establishment with Cover Charge 3 or More Days per Week (with or without accessory live entertainment)	<u>S</u>	<u>S</u>		<u>S</u>	
Service	Food Service Establishment Restaurant, Cafeteria, Delicatessen, Ice cream parlor, buffet, bar b-que, (with or without ancillary catering services)	<u>P</u>	<u>P</u>		<u>P</u>	
Service	Medical – Optician	<u>P</u>	<u>P</u>		<u>P</u>	
Service	Office	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
* * * *						
Storage	Cold Storage Plant					P
Storage	Storage – Outside (Screening from Public ROWs and Adjacent Property Required)					<u>P</u>
* * * *						
Wholesale	Florist					<u>P</u>
Wholesale	Nursery - Plant Wholesale Onsite					<u>P</u>

			AE-2			
	PERMITTED USE	AE-1	Corner	Interior	AE-3	AE-4
	Growing permitted					

* * * * *

Chapter 35, Article III, Table 360-2 (Bonus Density Chart) is amended as follows:

Table 360-2
(Bonus Density Chart)

(A) Incentive Item	(B) Criteria	(C) Bonus Calculation
*****	*****	*****
Commercial Retrofit	Commercial retrofit of existing strip centers in accordance with the provisions of the redevelopment standards of this Code and section 35-206.	For each one hundred (100) spaces of surface parking converted to structured parking on an area not exceeding twenty (20) percent of the site area, an additional twenty thousand (20,000) feet of nonresidential space may be constructed. Height standards of the underlying zoning district may be waived by the director of planning and development services <u>director of planning and community development services</u> with the consultation of the director of planning and community development services to accommodate the additional floor space.
*****	*****	*****

Chapter 35, Article III, Section 35-370 is amended as follows:

35-370. Accessory Use and Structure Regulations.

(a) Accessory Uses.

(1) An accessory use shall not be larger than 25% of the gross floor area of the principal use.

(2) Notwithstanding specific limitations in Table 311-2, an accessory use shall only be allowed in a zoning district where it is permitted as a principal/primary use, and in a district of lesser intensity (as further depicted in Table 311-2), pursuant to the following table:

<u>(A)</u> <u>Use authorized as a principal use by right in:</u>	<u>(B)</u> <u>May be permitted as an accessory use in:</u>
<u>L or I-1</u>	<u>I-2</u>
<u>L, C-3, O-2, C-2, C-1, O-1, O-1.5, or NC</u>	<u>I-1</u>
<u>C-3, O-2, C-2, C-1, O-1, O-1.5, or NC</u>	<u>L</u>
<u>C-3, O-2, C-2, C-1, O-1, O-1.5, or NC</u>	<u>D</u>
<u>O-2, C-2, C-1, O-1, O-1.5, or NC</u>	<u>C-3</u>
<u>C-2, C-1, O-1, O-1.5, or NC</u>	<u>O-2</u>
<u>C-1, O-1, O-1.5, or NC</u>	<u>C-2</u>
<u>O-1, O-1.5, or NC</u>	<u>C-1</u>
<u>O-1 or O-1.5</u>	<u>NC</u>

- (3) Uses that are only allowed by approval of a Specific Use Authorization (“S”) and not permitted by right (“P”) in any zoning district shall not be allowed as an accessory use.
- (4) Uses that are only allowed by-right in the “I-2” Heavy Industrial District or “MI-2” Mixed Heavy Industrial District shall not be allowed as accessory uses in a less intense zoning district, unless they occupy no more than 10% of the gross floor area of the principal use and are fully enclosed within the principal structure.
- (5) Residentially zoned property shall not have accessory uses [save home occupations (see §35-378); ADDUs (see §35-371); or typical residential accessory structures, e.g. garages (attached or detached); carports; fences; storage sheds; swimming pools; greenhouses/gazebos; sport courts; etc.].
- (6) A use specifically prohibited by an overlay district, such as the “RIO” or “ERZD” shall not be permitted as an accessory use when located within such an overlay district.
- (7) Sales of alcoholic beverages for on or off premises consumption may not be an accessory use within the respective “NA” or “R” classifications.
- (8) Where accessory uses are permitted, the standards of the applicable base zoning district, as well as any overlay district on the property, shall apply including but not limited to setbacks, building heights, landscaping and other requirements outlined in this Chapter except where otherwise provided in §35-370.
- (9) Temporary uses may be permitted pursuant to §35-391.

(b) Accessory Structures.

(1) ~~(a)~~ Accessory structures exceeding thirty (30) inches in height shall be located a minimum distance of five (5) feet from any side or rear property line. In residential districts, however, if an accessory structure has no sills, belt courses, cornices, buttresses, eaves, or similar projecting architectural features, then the minimum distance from any side or rear property line may be reduced to three (3) feet.

(2) ~~(b)~~ Accessory structures on reverse corner lots shall maintain a minimum distance from the side street lot line equal to the depth of the front setback required on the lot to the rear.

(3) ~~(c)~~ The maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards, provided that in residential districts the total floor area does not exceed a maximum of two thousand five hundred (2,500) square feet.

(4) ~~(d)~~ Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear setback areas of lots adjacent to residential district. The total floor area of all accessory structures shall not exceed two thousand five hundred (2,500) square feet.

(5) Accessory structures intended for use as accessory dwelling units shall also conform to the provisions of §35-371.

Chapter 35, Article III, Section 35-372 (f) is amended as follows:

Sec. 35-372. - Affordable Dwelling Units.

(f) Administration.

(1) Affordable dwelling units shall be offered for sale or rent exclusively to persons, households or families who meet the income criteria for "low income housing" or "very-low income housing," as defined in Appendix "A" of this chapter, hereinafter target households.

(2) The provisions of this section may be administered by the ~~neighborhood action department of the~~ City of San Antonio ~~(NAD)~~. Grants Monitoring and Administration. The City of San Antonio NAD or a community housing development organization (CHDO) shall have an exclusive right to purchase any units be offered for sale to target households but not purchased or rented within a time period mutually agreed upon between the applicant and the City of San Antonio NAD or a CHDO.

(3) Affordable dwelling unit sales prices throughout the city shall be established by the City of San Antonio NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry, and other information such as the area's current general market and economic conditions, provided that sales prices not include the cost of land, on-site sales commissions and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.

(4) Affordable dwelling unit rental prices shall be established by the City of San Antonio NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, and other information such as the area's current general market and economic conditions.

(5) Prices for re-sales and re-rentals shall be controlled by the City of San Antonio NAD or a CHDO designated by the applicant for a period of fifty (50) years after the initial sale or rental transaction for each affordable dwelling unit.

(6) The sales and rental price for affordable dwelling units within a development shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units. "economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of

construction and certain allowances as may be determined by the City of San Antonio NAD for the affordable dwelling units, exclusive of the cost of land acquisition and costs voluntarily incurred but not authorized by this section, upon the sale of an affordable dwelling unit.

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

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

(b) Townhouse Development.

- (2) A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. On townhouses and 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.

- (5) ~~Attached dwelling units~~ Townhouses shall not be subject to the minimum lot size for RM districts in table 310-1.

Chapter 35, Article III, Section 35-374 is amended as follows:

35-374. Bed and Breakfast.

* * * * *

- (c) **Number of Guest Rooms per Structure.** The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) ~~guest~~ guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

<i>Zoning District</i>	<i>Number of Guest Rooms</i>
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, R-5, RM-5	1
RM-4, MH, , AE-2 - interior	3

MF-18, MF-25, AE-2 - corner	5
MF-33, MF-40, MF-50, O-1, O-1.5, O-2, AE-1, AE-3	10
NC, C-1, C-2, D	12

* * * * *

- (i) **Regulations Pertaining to Bed and Breakfast Establishments Within Any Zoning District.** Except as provided below ~~for by subsection (3) of this section~~, no bed and breakfast establishments within these zoning districts may be permitted within three hundred (300) feet laterally and one hundred fifty (150) feet perpendicularly (as below) of any other property authorized for a bed and breakfast use within any zoning district. Such measurements shall be made from the property line of the proposed bed and breakfast to the nearest property line of the existing bed and breakfast. (See Figure 374-1)

Measurement for the location of a proposed bed and breakfast establishment shall be in a straight line (without regard to intervening structures or objects) in three (3) directions. The first measurement shall be from the nearest front property line of the proposed bed and breakfast establishment one hundred fifty (150) feet outward towards the street. The second and third measurements shall be from the two (2) side property lines of the proposed bed and breakfast three hundred (300) feet laterally to the side lot line(s) of adjacent properties.

Specific use authorization permit approval to operate a bed and breakfast establishment within the above measurement formula of one hundred fifty (150) feet and three hundred (300) feet of another bed and breakfast establishment as defined in subsection (b) above may be granted for the following structures:

* * * * *

Chapter 35, Article III, Section 35-375 (a) is amended as follows:

- (a) **License and Registration.** All group day care homes, nursery schools, and day care centers shall have a current license issued by the Texas Department of Family and Protective Services ~~Human Resources~~. Registered family homes shall maintain a current registration with the Texas Department of Family and Protective Services ~~Human Resources~~.

Chapter 35, Article III, Section 35-376 is amended as follows:

35-376. Community Homes.

- (a) Community homes are permitted as indicated in the Article III use matrices in all residential zones and the "C-1" district, subject to compliance with all regulations, licensing and distance requirements of Chapter 123 Community Homes for Disabled Persons Location Act of the Texas Human Resources

Code, and as amended, and (if applicable) Chapter 247 Assisted Living Facilities of the Texas Health and Safety Code, and as amended.~~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 community home at the same time.~~
- ~~(b) A community home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.~~
- ~~(b)(e) Residents~~ The residents of a community home may not keep, on the premises of ~~the home or on the public rights-of-way adjacent to the premises home~~, more than one (1) motor vehicle per bedroom for the use of the residents ~~of the home~~.
- ~~(c) A community home must meet all applicable licensing requirements.~~
- ~~(d) A community home may not be established within one-half (1/2) mile of a previously existing community home.~~
- ~~(f) No certificate of occupancy is required for a community home.~~

Chapter 35, Article III, Section 35-382 is amended as follows:

35-382. Greenhouse. Nurseries.

Greenhouses ~~Nurseries~~ are permitted ~~in all districts provided that in residential districts :~~

- (a) They have no on-premises sales (either retail or wholesale),
- (b) They display no advertising signs on the property,
- (c) Accessory structures do not exceed a total of six hundred (600) square feet in size,
- (d) The accessory structure or No greenhouse shall meet the requirements in Section 35-370, and or greenhouse is closer than fifty (50) feet to the front property line or to any adjacent residential zone
- (e) There is no outdoor storage of equipment or other materials. ~~except for nurseries permitted pursuant to section 35-384 of this article.~~

* * * * *

Chapter 35, Article III, Section 35-384 is amended as follows:

35-384. Parking Lots as a Primary Use.

* * * * *

- (b) **Parking Lots Requiring Demolition of Dwelling Units.** Notwithstanding any provision of this chapter to the contrary, the construction of any parking lot which involves the replacement, demolition, or destruction of a dwelling unit shall not be undertaken unless and until a specific use

authorization permit is approved. The specific use authorization permit shall be approved only if the following standards are met:

- (1) The proposed conversion is located within an area classified as commercial, office, industrial, or similar classification in a land use plan adopted pursuant to section 35-420 of this chapter; or
- (2) The structure proposed to be removed cannot reasonably be used or restored to habitable condition; or
- (3) The proposed parking is needed and there are no reasonable alternatives for the proposed parking lot for which the demolition is required; or
- (4) The proposed parking area will not promote residential disinvestment or promote further conversions of residences to nonresidential purposes.

* * * * *

(d) Surface Parking Design Standards.

- (1) Commercial surface parking areas which are the primary use and which exceed the frontage standards set forth above shall comply with one (1) of the following:
 - A. Retail uses which comply with the commercial design standards (subsection 35-204(o) ~~35-206(m)~~ of this chapter) shall be provided on at least sixty (60) percent of their frontage.
 - B. A class C buffer shall be installed and maintained on at least eighty (80) percent of the frontage.
- (2) In order to disperse parking facilities throughout commercial areas and to maintain easy walking distances between pedestrian destinations, no parking facility shall be located closer than one hundred (100) feet to another parking facility. This distance shall be measured along the street frontage on the same side of the street.
- (3) Article V, Division 6 regulations for vehicle barriers, curbs, and wheel stops shall pertain to primary use parking lots and driveways leading to and from primary use parking lots.

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

35-385 Radio, Television Antennas, and Wireless Communication Systems

- (a) **Applicability.** The provisions established in this section shall be applied in the manner described below: apply to the development of wireless communications systems in nonresidential the "NC", "C", "O", "L", "I 1" and "I 2" districts.
- (1) The installation of antenna support structures in nonresidential zones shall be a use permitted by right provided the following requirements are met:
- A. Radio and television antennas must comply with §35-385(b)
- B. Wireless communications systems must comply with §35-385(e)
- (2) The installation of antenna support structures in residential zones shall be a used allowed by specific use authorization provided the following requirements are met:
- A. Radio and television antennas must comply with §35-385(c)
- B. Wireless communications systems must comply with §35-385(d)
- (3) Access to public property in all zoning districts for the purpose of installing wireless communications systems shall be allowed by complying with the requirements of §35-385(f).
- (4) Wireless communications systems, regardless of the zoning district in which they are installed, must comply with the additional requirements found in §35-385(g).

* * * * *

- (c) **Radio and Television Antennas in Residential Zoning Districts.** In addition to the regulations in subsection (b), the following shall apply to radio and television antennas in residential districts.

* * * * *

(3) **Ground Mounted Antennas.**

* * * * *

- B. The antennas or antenna support structure shall not be located in any required front ~~yard~~ setback or anywhere in the front yard between the principal building and the front setback.

* * * * *

- (d) **Wireless Communication Systems Authorized by Specific Use Authorization.** Wireless communication systems shall require be a specific use authorization in residential zones ~~permit~~. Prior to filing a request for a zone change with the

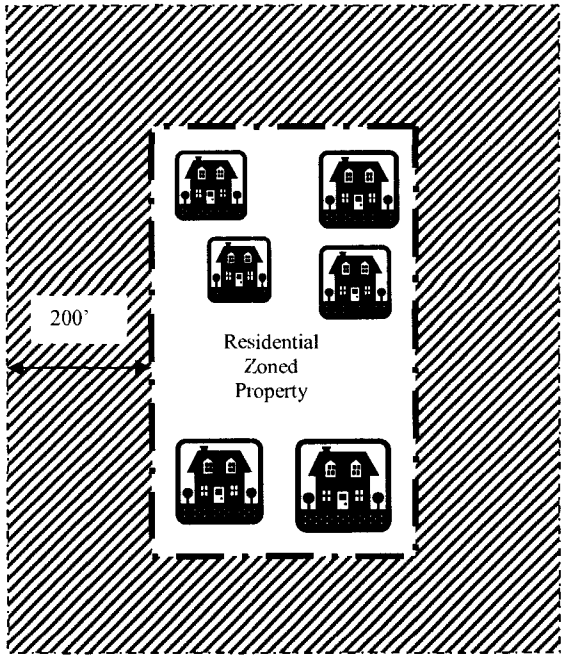
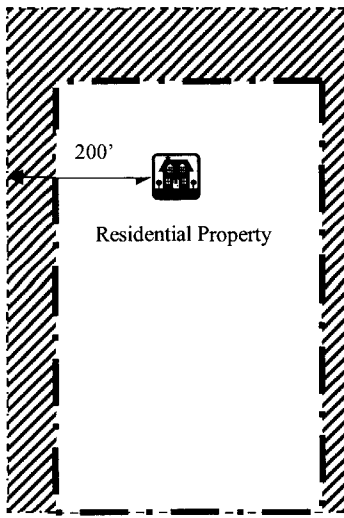
zoning commission the following requirements must be met:

- (1) Building Permit. A building permit from the department of ~~planning and~~ development services shall be required for the installation of any antenna support structure or unmanned equipment shelter developed for a wireless communication system. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the International Building Code. Applications for a permit shall be accompanied by the following in duplicate:
 - A. Construction drawings showing the proposed method of installation.
 - B. The manufacturer's recommended installations, if any.
 - C. A diagram to scale showing the location of the antenna, property and setbacks, easements, power lines, and all structures.
 - D. Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the International Building Code.
 - E. All antennas shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the International Building Code and this section.
 - F. All antennas and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, and the City Code, as applicable.

No provision within this part exempts requirements for compliance with the landscape ordinance.

- (2) Spacing of antenna support structures from residential zoning districts. Antenna support structures in nonresidential districts shall be spaced two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary. Antenna support structures in residential districts shall be spaced at least 200 feet from a residential structure. Spacing requirements for antenna support structures on property zoned residential shall not apply if the property is vacant, undeveloped, and or unplatted and is located at least two hundred (200) feet, measured from the base of the antenna support structure to the nearest residential land use. The graphic below illustrates how the 200 foot distance rule is applicable. In each graphic, the shaded area shows the setback or safety zone around the

protected residential property where the placement of an antenna support structure is prohibited.

<u>Wireless Communications System in Non-residential Property Abutting Residential Zoned Property - 200' Tower Setback from Residential Zoned Property Boundary. 200' May Not Be Reduced By City Council.</u>	<u>Wireless Communications System In Residential Property Abutting Residential Property - 200' Tower Setback from Residential Property. 200' May Be Reduced By City Council.</u>
	
<u>WCS tower may not be placed in non-residential property within 200' measured from the boundary of a residential zoned district.</u>	<u>WCS tower may not be placed in residential property adjoining residential property within 200' of a residential use measured from the antenna support structure except as authorized by the City Council through the specific use authorization process.</u>

- (3) Equipment Buildings. The wireless communication system unmanned equipment buildings shall not have more than seven hundred fifty (750) square feet of gross floor area and shall not be more than twelve (12) feet in height.
- (4) Design in Residential Zoning Districts. Antenna support structures developed after the adoption of these regulations located in residential zoning districts must be monopole design. The height of antenna support structures in all districts may not exceed one hundred ninety-nine (199) feet. If the city council approves a height of an antenna support structure

which exceeds one hundred ninety-nine (199) feet, the spacing of the antenna support structure to the nearest residential district must be at a minimum equal to one hundred ten (110) percent of the height of the antenna support structure.

- (5) HDRC Review. Antenna support structure towers are prohibited if they are: within two hundred (200) feet of the San Antonio River; or within two hundred (200) feet of a historic landmark; or within two hundred (200) feet of a historic district or river overlay district; or within a historic district or river overlay district. In conjunction with consideration by the zoning commission the application for city council approval may be presented to the Historic Design and Review Commission (HDRC) if the antenna support structure is located within two hundred (200) feet of the ~~Riverwalk~~ River Improvement Overlay District or within a historic district.
- (6) Submittal of the site plan and other required materials to support a request for specific use authorization will be used by the staff of Development Services Department to determine the appropriateness of the request and to make a recommendation to the Zoning Commission and City Council. Pursuant to UDC §35-423(d)(4), the specific use authorization process allows the City Council to modify the performance standards found in §35-385(d) if necessary to protect the public interest. By way of illustration, the specific use authorization process allows the City to impose additional standards to protect neighborhood integrity such as special setbacks, screening, lighting and camouflage measures consistent with §35-423(d)(4).
- (e) **Wireless Communications Systems Permitted by Right.** Wireless communication systems shall be a use permitted by right in all nonresidential zoning districts ~~as provided in subsection (a) and not subject to the requirements of section 35-311, permitted uses, if:~~
 - (1) The requirements set forth in subsections (d)(1) through (d)(5) of this section are met; and,
 - (2) The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communication system providers or users.
 - (3) No provision within this part exempts requirements for compliance with the landscaping standards of this chapter.
 - (4) The historic preservation officer shall review the permit request if the proposed wireless communication system is located within two hundred feet (200) of a River Improvement Overlay District ~~the Riverwalk~~ or

within a historic district. The permit request may be presented to the Historic Design and Review Commission (HDRC) for a recommendation if the antenna support structure is located within two hundred (200) feet of a River Improvement Overlay District ~~the Riverwalk~~ or a historic landmark or within a historic district.

- (5) The wireless communication system is not located in the Edwards Recharge Zone District (ERZD).
- (6) ~~Notwithstanding the requirements above, wireless communication antenna array may collocate on existing antenna support structures in all zoning districts, without specific use authorization; if,~~
- ~~a. The pole modified is a functioning antenna support structure; and,~~
 - ~~b. The modified antenna support structure, including antenna array, does not exceed the maximum height permitted in the zoning district or the height of the existing telecommunication tower, whichever is greater; and,~~
 - ~~c. The addition of any ground level equipment does not reduce the setback to less than the minimum setback of the zoning district; and,~~
 - ~~d. The pole modified with an antenna support structure is not located in the ERZD.~~

* * * * *

(g) Additional Requirements Applicable to Wireless Communications Systems.
A wireless communication system must comply with the following requirements regardless of the zoning district in which it is located:

- (1) Any request to install a wireless communications system over the ERZD in any zoning district must comply with the Edwards Aquifer Recharge Zone District Overlay Regulations (ERZD Regulations) found in §35-332. Nothing in §35-385 exempts a wireless communication system from complying with the ERZD Regulations.
- (2) Industrial uses are entitled to maximum fence heights of eight feet at the front, side and rear yards consistent with the "TABLE OF HEIGHTS" found in §35-514(d). For the purpose of §35-385, the installation of a wireless communication system shall be considered an industrial use affording the installation of eight foot fencing around the perimeter of the wireless communication system site.

- (3) The installation of a wireless communication system utilizing a stealth tower to camouflage an antenna support structure, such as a clock tower, flagpole or tree shall be subject to the same regulations under §35-385 as a wireless communication system that does not make use of such stealth or camouflage measures.
- (4) A wireless communication system that utilizes a stadium light pole, building roof top, or other tall structure for the installation of an antenna array shall be subject to the same regulations under §35-385 as a wireless communication system that does not make use of such facilities.
- (5) A request for collocation of an antenna array on an existing antenna support structure will be subject to the specific use authorization provisions of §35-385(d), unless all of the following requirements are met, in which case the provisions of §35-385(e) shall apply:
 - A. The antenna support structure to be modified for collocation was originally authorized by the City.
 - B. The antenna support structure to be modified, including the installation of the new antenna array, does not exceed the maximum height permitted in the zoning district in which the antenna support structure is located.
 - C. The addition of any ground level equipment does not reduce the required setback distance to less than the setback permitted in the zoning district where the antenna support structure is located.
 - D. The antenna support structure to be modified for collocation is not located in the Edwards Recharge Zone District (ERZD).

Chapter 35, Article III, Section 35-386 is amended as follows:

Sec. 35-386. - Sanitary Landfills, Solid Waste Facilities.

* * * * *

- (c) **Buffering.** A thirty-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.

Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by section 35-3168, "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 solid waste management director ~~of environmental services~~ for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

- (1) Location and type of existing vegetation, if any.
- (2) General location and species of proposed canopy understory trees, and shrubs.
- (3) Description of how the greenbelt will be maintained to include provision for adequate irrigation.
- (4) Property lines.

The solid waste management director ~~of environmental services~~ 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 planning and development services for use in issuing the certificate of occupancy.

* * * * *

- (e) **Monitoring System.** A monitoring system approved by the solid waste management director ~~of environmental services~~ shall be installed to detect any lateral migration of methane and other decomposition gases.

Chapter 35, Article III, Section 35-390 is amended as follows:

35-390. Transitional Homes.

A transitional home established after November 17, 1997, shall not be located within one thousand (1,000) feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a certificate of occupancy and/or public park.

* * * * *

(c) **Building Standards.**

- (1) Separate beds must be available twenty-four (24) hours a day for each resident housed within the facility.
- (2) Bedrooms shall have a minimum of twenty-five (25) ~~thirty (30)~~ contiguous square feet of unencumbered space per occupant. This square footage may not be obstructed by beds, other furniture, or fixed building structures. usable floor space exclusive of closets or other personal storage areas per resident.
- (3) Bathroom facilities consisting of a tub and/or shower and one (1) toilet, and one (1) lavatory shall be provided for each ten (10) ~~eight (8)~~ residents housed.

- (4) Areas for leisure activities shall be provided at the rate of twenty (20) square feet for each resident.
- (5) If food is prepared on-site a full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio Metropolitan Health District.

* * * * *

(f) Parking.

- (1) All required parking shall be provided off-street.
- (2) One (1) space per attendant and one (1) space per fifteen (15) ~~six (6)~~ residents shall be provided.

* * * * *

- (h) Nuisance.** The transitional home may be considered a public nuisance if any of the following occurs:

* * * * *

- (3) More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the ~~director of code enforcement services~~ director compliance determines that any of the three (3) provisions occur, he shall request that the city attorney take court action to abate the nuisance where appropriate under law.

* * * * *

- (j) Violations.** Violation of any provision of this chapter is a Class C misdemeanor and upon conviction violators are subject to the provisions of Article IV, Division 11 "Enforcement, Violations and Penalties" of ~~this chapter the City Code of the City of San Antonio, Texas, entitled "Unified Development Code Section 55-1024."~~ If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

Chapter 35, Article III, Section 35-391 is amended as follows:

35-391. Temporary Uses.

- (a) General.** The director of ~~planning and~~ development services may authorize the temporary use of a structure or property for a purpose that is not specifically

permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The director may require that traffic control and/or ~~security~~~~parking plans~~ be approved by the police ~~department~~~~and public works departments~~ as a prerequisite for approving any temporary use. A ~~certificate of occupancy for a temporary use~~ permit may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience, and welfare of the general public and surrounding uses. All temporary uses shall comply with the noise limitations set out in chapter 21 of the City Code. Except where otherwise provided in subsections (b) through (h) a temporary use permit shall not exceed thirty (30) days. Establishment of a temporary use shall not confer any subsequent nonconforming rights on a property.

- (b) **Promotional-Circuses and Carnivals.** These uses may be permitted in nonresidential districts in accordance with the following criteria:
 - (1) No structure, tent, equipment, or mechanical ride shall be located within five hundred (500) feet of property used for residential purposes.
 - (2) The site shall be a minimum of one (1) acre in size.
 - (3) The maximum permitted time period shall be two (2) weeks.
 - (4) The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.
 - (5) An improved surface shall be provided in accordance with the definition of "all weather surface (temporary access)" in Appendix A. ~~The circus or carnival shall be in conjunction with an existing use on the same property.~~
 - (6) Public restroom facilities shall be provided.
- (c) **Christmas Tree Sales.** This use is permitted within nonresidential zoning districts for a period not to exceed forty-five (45) days. A site plan shall be submitted to the director of ~~planning and~~ development services to ensure that setbacks and clear vision area requirements are met.
- (d) **Construction Offices and Equipment Sheds.** These uses may be permitted in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within ten (10) days after completion of the construction project.
- (e) **Religious Meetings.** Tent and open air church revivals or meetings may be permitted in nonresidential districts for a maximum period of thirty (30) days between the hours of 8:00 a.m. and 10:00 p.m.
- (f) **Tents.** Tents used for special events may be permitted for a period not to exceed one (1) week.
- (g) **Oversized Vehicles.** The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of fifteen (15) days in conjunction with

conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the director of ~~planning and~~ development services. If the police chief, director of public works, and director of health determine that no health, safety, or traffic hazard or other potential nuisance will be created, approval by the director shall be granted. Oversized vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

(h) **Cellular on Wheels (COW).** A temporary permit may be issued to a wireless telecommunications provider for the use of a COW or similar temporary wireless communication system in accordance with the following regulations:

- (1) **Declared Emergencies.** In the event of an emergency declared by a local, state or federal authority, a COW may be deployed in any zoning district for a period of thirty (30) days. The temporary permit may be renewed for as long as the declared emergency continues, but in no event beyond 90 days.
- (2) **Special Events.** The use of a COW to cover a special event that requires expanded network capacity is permitted in nonresidential zoning districts for a period not to exceed twenty (20) days.
- (3) **Expanded Network Capacity.** In nonresidential zoning districts, a COW may be deployed to provide temporary expanded network capacity for a period not to exceed forty-five (45) days. The temporary permit may be renewed for one additional forty-five (45) day period. In no event shall a COW remain on the property or location for more than ninety (90) calendar days. The following additional requirements apply to a temporary permit issued under this §35-391(h)(3):
 - A. Any temporary placement of a COW over the ERZD must comply with the Edwards Aquifer Recharge Zone District Overlay Regulations found in §35-332.
 - B. A COW shall not be temporarily located within five hundred (500) feet of property used for residential purposes.
 - C. A six (6) foot fence shall secure the perimeter area of the site where a COW is temporarily located.
 - D. A COW deployed under this section, shall not be placed on City right-of-way, but may be located on other City owned property provided the applicant pays the fee prescribed by §35-391(h)(5).
- (4) **Compliance with Right-of-Way Regulations.** If a COW is placed on city right-of-way due to a declared emergency or to cover a special event,

the applicant must comply with the City's Right-of-Way Management Ordinance, Ordinance No. 93319 (January 25, 2001), as administered by the Right-of-Way Management Office. In the event of a declared emergency, this requirement may be waived in order to protect the public health and safety.

- (5) **Compensation for Use of City Property.** A COW may be placed on a temporary basis on City property, provided the applicant pays a per day parking fee in accordance with 35-C115, payable at the time the temporary permit is requested for the number of days the permit is issued. This fee will be waived when the deployment of the COW is due to a declared emergency.
- (6) **Permitting Fee.** A temporary permit issued pursuant to this §35-391 shall be subject to the fee schedule in 35-C115.

* * * * *

Chapter 35, Article III, Section 35-394 is amended as follows:

35-394. Specified Financial Institution. ~~**–Check Cashing Facilities and Pay-Day Loan Agencies.**~~

Specified financial institutions, as defined in 35-A101, Check-cashing facilities and pay-day loan agencies shall comply with the following requirements:

- (a) Hours of operation shall be established by city council as part of a specific use authorization.
- (b) There shall be no outdoor queuing; an indoor waiting area large enough to accommodate six (6) net square feet per occupant ~~all customers~~ shall be provided.

* * * * *

Chapter 35, Article III, Section 35-398 is amended as follows:

35-398 Renewable Energy Systems

(a) **Small Wind Energy Systems.**

1. **Applicability.** The purpose of this section is to provide standards for small wind energy systems consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.
2. **Site development standards:**

- a. Setbacks: A fall zone setback shall be established at a distance of 1.25 times the height of the tower from any property line, right of way, access easement, fire lane, sign, overhead utility or from another tower used for a small wind energy system. For example, a 100 foot tall tower shall be set back 125 feet from the property line or any overhead utility lines. No part of the wind system structure, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the installation site. In lieu of the minimum setback distance, a no-build easement may be acquired from adjacent properties to fulfill the distance requirement.
- b. Minimum lot size: A minimum of one-half (1/2) acre is required for use as a small wind energy system.
- c. Heights: Minimum ground clearance of 12 feet for rotor blades or airfoils. For properties less than two acres, total height shall be limited to 80 feet. For properties greater than two acres, there is no limitation on tower height except as imposed by the Federal Aviation Administration (FAA) or City of San Antonio Aviation Department.
- d. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed requirements established by the FAA.
- e. Signage shall be limited to appropriate warnings and turbine manufacturer and owner on nacelle. Additional signage is prohibited.
- f. On-site power lines shall be buried.
- g. Noise: Small wind energy systems shall not exceed 50dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- h. All Municipal Code provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

3. Permitted use:

Small wind energy systems shall be permitted ("P") by right in the following zoning districts C-3, L, I-1, I-2, MI-1, MI-2, O-2, ED, FR, QD and SGD. Small wind energy systems shall require specific use authorization ("S") in all residential base zoning districts and neighborhood preservation districts as well as the following districts: NC, C-1, C-2, O-1, D, RD, UD, MH, MXD, FBZD and TOD.

4. Submittal requirements:

A building permit is required. Plans shall contain the following:

- a. A plot plan, drawn to scale, of the property indicating the location of all structures, the proposed location of the tower, the distances of the tower to structures on the property as well as distances to the property lines as well as any roads, electric lines and/ or overhead utility lines.

- b. A description of the number, type, name plate generating capacity, tower height, rotor diameter and total height of all wind turbines and means of interconnecting with the electrical grid.
- c. Drawings or blueprints of the tower and the tower footings in conjunction with the application for building permit for a wind system.
- d. Structural engineering analysis of a tower and its foundation.
- e. Manufacturer's recommended installations, if any.
- f. Documentation of land ownership and/or legal authority to construct on the property.
- g. All permits for wind generation facilities shall be routed to the City of San Antonio Aviation Department for review and approval.

5. Compliance with other regulations

- a. Coordination with the City of San Antonio Aviation Department is required if within the boundaries of the AHOD. In addition, coordination with the Federal Aviation Administration (FAA) required if a tower is taller than 200 feet or within 3 3/4 miles of a commercial runway regardless of height. In such cases, all required forms shall be submitted to the FAA, from which they will make a determination as to whether there will be any restrictions placed on the tower or its location.
- b. Building permit applications for small wind energy systems shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the City's adopted Electric Code. An electrical inspector will inspect and approve of the system before it is allowed to generate.
- c. Interconnection with CPS Energy is required. No small wind energy system shall be installed until evidence has been given that CPS Energy has been informed of the customer's intent to install an interconnected customer-owned generator.
- d. An engineer shall certify that the wind turbine does not interfere with any electromagnetic telecommunications such as radio, telephone, microwaves or television signals.
- e. The City of San Antonio shall not enforce any deed covenants or restrictions regarding wind turbines or generators.
- f. Compliance with City of San Antonio codes not addressed in this subsection is required including but not limited to the Building Code and Electric Code.

6. Discontinuation

A wind turbine shall be considered abandoned after 1 year without energy production. The property owner shall remove the wind turbine within 90 days of abandonment.

(b) Solar Farms.

1. Applicability. The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels that support the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of San Antonio finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in non-urbanized, low-density areas with other agricultural and scattered industrial uses.

2. Site Development Standards:

- a. Lot coverage: No more than 1% of the gross site area shall be occupied by enclosed buildings and structures.
- b. Setbacks: A 30-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way.
- c. Height: The average height of the solar panel arrays shall not exceed twelve feet. The height regulations for all other structures are included in the Unified Development Code, Article III Zoning, Table 310-1.
- d. Landscaping buffer: The primary use of the property shall determine the buffer requirement. Where a ground mounted photovoltaic solar farm is the primary use the property shall be considered agricultural for the purposes of buffer requirements. There is no requirement for screening from public streets.
- e. Storm water management: fixed panel solar arrays shall be considered pervious and any fee in lieu of detention shall be considered based on impervious cover. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- f. Subdivision: A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required. Outside of the City Limits the County Fire Marshall shall make the determination of required fire access.
- g. Signage: Signage shall conform to Chapter 28 of the Municipal Code as well as any sign limitations of the zoning district.
- h. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- i. Fencing: due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to 8 feet in height is permitted provided the fencing material is predominantly open as defined in Appendix A.

j. All Municipal Code provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

3. Permitted Use:

Ground mounted fixed-panel photovoltaic solar farms shall be permitted (“P”) by right in the following zoning districts: L, I-1, I-2, MI-1, MI-2, ED, RD, FR, QD and SGD. Ground mounted fixed-panel photovoltaic solar farms shall require a specific use authorization (“S”) in the following zoning districts: NC, C-1, C-2, C-3, O-1, O-1.5, O-2, UD, MH, MXD, FBZD and TOD. Ground mounted fixed-panel photovoltaic solar farms are prohibited in all other residential base zoning districts, neighborhood preservation districts and the D Downtown District.

4. Submittal Requirements:

Building permits are required for solar farms. Plans shall contain the following:

a. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines. The plot plan shall include any roads, electric lines and/ or overhead utility lines.

b. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with CPS Energy.

c. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/ solar power plant.

d. Structural engineering analysis for a solar panel, array and its foundation, as applicable.

e. Manufacturer’s recommended installations, if any.

f. Documentation of land ownership and/or legal authority to construct on the property.

5. Compliance with other regulations:

1. Building permit applications for solar farms shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the City’s adopted Electrical Code and that has been pre-approved by CPS Energy as meeting their Distribution Generation Requirements and Guidelines.

2. Within the city limits, an executed interconnection agreement with CPS Energy is required prior to Certificate of Occupancy. In the ETJ the interconnection agreement shall be provided prior to utility connection.

This subsection does not waive any requirements of the City’s building code, electrical code or other technical codes as applicable.

6. Discontinuation:

A solar farm shall be considered abandoned after 1 year without energy production. The property owner shall remove all solar farm equipment and appurtenances within 90 days of abandonment.

* * * * *

Chapter 35, Article III, Section 35-399.01 is amended as follows:

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

* * * * *

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

* * * * *

Chapter 35, Article III, Section 35-399.02 is amended as follows:

35-399.02 - Parking Lots (Noncommercial).

* * * * *

- (b) **General Requirements.** The following provisions are required regardless of whether a special exception is required pursuant to subsection (a) or the Use Matrix (Tables 311-1 and 311-2):

* * * * *

- (16) Article V, Division 6 regulations for vehicle barriers, curbs, and wheel stops shall pertain to noncommercial parking lots and driveways leading to and from noncommercial parking lots.

Chapter 35, Article IV, Section 35-401 is amended as follows:

35-401. General Procedural Requirements.

* * * * *

- (d) **Certificates of Occupancy.**

- (1) Requirement. Except as provided in subsection (2) below, all uses, including nonconforming uses, shall obtain a certificate of occupancy as required by the International Uniform Building Code.
- (2) Exceptions. The following ~~uses~~ shall not require certificates of occupancy:
 - ~~Single-family dwellings (excluding accessory dwellings as provided in section 35-371 of this chapter).~~
 - ~~Registered family homes.~~
 - ~~Group day care homes.~~
 - Home occupations subject to §35-378
- (3) Records. The director of ~~planning and development services~~ shall maintain a record of all certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property affected.

Chapter 35, Article IV, Section 35-402 (b) (2) is amended as follows:

35-402 Completeness Review.

(b) Application materials.

(2) Current application materials shall be made available in the applicable department offices. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this chapter or statute. The development services director may establish a schedule for filing any application requiring action by the planning commission, zoning commission, or the city council, while the historic preservation officer ~~director of planning and development services~~ may establish a schedule for filing any application requiring action by the historic and design review commission. Such schedule shall provide adequate time for notice and/or publication consistent with the applicable state statutes and this chapter. Completed applications shall be filed according to any published schedule of the applicable department.

Chapter 35, Article IV, Table -403-1 is amended as follows:

35-403 Notice Provisions

**Table 403-1
Notice Requirements**

(A)	(B)	(C)	(D)	E	(E) (F)	(F) (G)	(G) (H)	(H) (I)	(I) (J)	(J) (K)
Type of notice	Amendments to Master Plan	Rezoning	Master- Develop-ment Plan	Appeals to Board of Adjust-ment	Items requiring public hearing before the Variance From and/or Granting of Special Exceptions by the Board of Adjustment	Sub-division Plat, Major	Sub-division Plat, Minor	Certificate of Approp-riateness	Permits, Orders or Approvals not Men-tioned Requiring Public Hearing	Request for Demo-ition of a Historic Landmark or Potential Historic Landmark
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	10 days	*	* (6)	* (6) --	--	*	--
Mail: Written notice of the public hearing shall be sent.	--	*(1)(2) (3)	--*(2)	*(1)(2)	*(1)(2)	*(6) (+)(2)	*(6) (+)	--	*(1)	*(1)(2)
Internet: Post a copy of the notice on the city's Internet website until the process proceeding has been completed.	*(7)	*	*(7)	*	*	*(7)	*(7)	*	*	*
Signage: Post a sign on the property subject to the application. Signs to be installed and provided by the city-(2)-	--	*(4), (5)	--	--	--	--	--	*	--	*

Notes:

- (1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the tenth day before the date of the public hearing at the zoning commission. Notice for demolition applications shall be sent prior to the seventh day before the date of the public hearing at the historic design and review commission. ~~Notice for plat applications shall be sent in accordance with V.T.C.A. Local Government Code Ch. 212 (if a replat requires a public hearing and notice).~~
- (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- (3) Notice shall be sent to members of the planning team, as defined by subsection 35-420(b)(3), for the affected neighborhood, community or perimeter plan, as applicable.
- (4) The sign shall measure not less than ~~(96564)~~ eighteen by twenty-four inches and shall contain:
City's name,
Zoning Case # _____ or HDRC Case # _____,
Name of Case Manager, and
Contact telephone number.
The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible florescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.

- (5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated area-wide rezoning consisting of six (6) or more individual lots. However, signs will be placed at the general location of the boundary of the area-wide zoning project and its intersection with major arterial and collector streets that provide ingress/egress to the area subject to rezoning.
- (6) Notice for replat applications shall be sent in accordance with Local Government Code Ch 212.015.
- (7) Notice will include project name, number of acres, and approximate location.
- * * * * *

Chapter 35, Article IV, Sections 35-404 (b) and (c) are amended as follows:

35-404. Public Hearing Procedures.

(b) **Meetings.** The planning commission, zoning commission, and historic and design review commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this chapter. On those items where it has review authority, the zoning commission or planning commission shall recommend that the city council approve, approve with conditions or deny such items. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the city council, or amendment thereto, or other development approval, has been duly submitted to the zoning commission or planning commission, and said commission has continued such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. In the event that said commission fails to pass a motion, such action shall be deemed to be a negative recommendation. The director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the city council for its consideration. Except as otherwise specified in §35-421, if an applicant wishes to postpone an item after submittal for consideration by the commission or city council, then the applicant shall provide a written request either prior to the commission or city council meeting or at the meeting as a verbal request at the dais, and pay any required withdrawal or postponement fees which shall be non-refundable.

(c) **Records.** ~~The director of planning and development services~~ director shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the item being considered, and shall include a summary of the considerations and the action of the planning commission and zoning commission, while the historic preservation officer ~~director of planning~~ shall provide the same for the historic and design review commission.

Chapter 35, Article IV, Section 35-406 is amended as follows:

35-406. Revocation of Permit or Approval.

(a) **Initiation.** ~~The city of code compliance~~ shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the director of ~~planning and~~ development services who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. The director shall provide the permit holder notice of his intent to suspend or revoke a permit for a chapter violation. The notice may specify a reasonable time for compliance

with this chapter. If time for compliance is specified in the notice, the director may not suspend or revoke the permit before the time for compliance has expired. No further action shall be taken should the permit holder comply. Should the director determine that the violation has not been abated, the director may revoke the permit by providing the permit holder a notice of termination. This notice shall provide the permit holder with the reason(s) for termination or suspension of the permit(s), at which time the permit holder shall surrender the permit to the director or his/her designee. The process for appeal of the director's decision is set forth in Section 35-481. Should the director of planning and development services determine that a termination or suspension of a permit is appropriate, a recommendation, including the reason(s) for the his determination, shall be made to the board of adjustment who shall conduct a public hearing on the matter:

~~———— (b) ——— Grounds for Revocation. The following shall be considered grounds for revocation of a permit:~~

- ~~• The intentional provision of materially misleading information by the applicant. The provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence.~~
- ~~• The failure to comply with any condition of a development order or development permit.~~

~~———— (c) ——— Notice and Public Hearing. Notice of the hearing before the board of adjustment shall be provided to the permit holder at least ten (10) working days prior to the hearing. Said notice shall be in writing and delivered by personal service or certified mail to the permit holder and shall inform the permit holder of the director of planning and development services recommendation as well as the date and location of the hearing before the board.~~

~~———— (d) ——— Decision and Notice. An order (decision) to terminate or suspend the permit shall require a vote of seventy-five (75) percent of the members of the board of adjustment or planning commission. Said order shall contain findings that address the basis for the decision by, at a minimum, stating the condition(s) that the board found have been violated, the harm such violation has caused, and that in the case of a suspension of the use, the length of time such violation can be cured and in the case of a termination the reason such violation cannot be cured.~~

~~———— (e) ——— Effect and Appeals. A petition complaining of the board's decision may be presented to a court of competent jurisdiction pursuant to V.T.C.A. Local Government Code § 211.010. Unless a petition is presented within ten (10) days after the decision is filed in the board of adjustment or planning commission's office the decision shall be final on the eleventh day after it is so filed.~~

~~———— (f) ——— Right Cumulative. The right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.~~

Chapter 35, Article IV, Sections 35-408 (b) and (c) are amended as follows:

35-408 Neighborhood Registration.

(b) **Contents.** A neighborhood registry shall be maintained by the department of planning and community development ~~services~~. In order to be included within the neighborhood registry, the neighborhood association shall provide the following information:

* * * * *

(c) **Effect of Neighborhood Registry.** When a neighborhood association has been registered as provided herein, the department of planning and community development ~~services~~ shall notify the neighborhood association of any application for rezoning or master development plan approval application filed within the boundaries of a registered neighborhood association. Individual citizens who reside outside the two hundred-foot notice required by this chapter, but within the boundaries of a registered neighborhood association are considered notified when any such notification is sent to the neighborhood association within two hundred (200) feet of the subject site. This notice is a courtesy and hearings may proceed despite claims of a lack of notice.

Chapter 35, Article IV, Section 35-409 (b) (2) (B) is amended as follows:

(b) **Recommended Procedures.**

(2) **Target Area.**

B. A neighborhood association which includes the subject property and/or is within two hundred (200) feet of the subject property and is registered with the department of planning and community development ~~services~~ in accordance with the requirements of section 35-420 of this chapter.

Chapter 35, Article IV, Section 35-412 is amended as follows:

35-412 Master Development Plan.

* * * * *

(c) **Application Completeness Review.** Completeness review shall be governed by this section and section 35-402, to the extent not inconsistent with this section. The director of ~~planning and~~ development services shall provide a written response indicating whether or not the master development plan is complete within five (5) working days after submittal. The applicant shall file a written response to any staff comments or resolve outstanding issues prior to final approval for completeness. This response shall occur within thirty (30) days of the notification ~~mailing~~ date of staff comments unless a time extension is

requested and granted in writing. The maximum limit on an extension is six (6) months from the original staff comment date. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the planning commission.

(d) Failure to Approve. Applications for Master Development Plan approval shall expire, and shall be void for all purposes if a master development plan is not approved in accordance with this chapter within two (2) years from the date of acceptance of the complete application. Upon expiration of the master development plan application, a new master development plan number, application, and fee shall be required if master development plan approval is still sought.

* * * * *

(f) Approval Criteria. No master development plan shall be approved unless it conforms to all applicable requirements of article V of this chapter and is consistent with the city's comprehensive master plan. The director must approve a master development plan that is required to be prepared under this section and that satisfies all applicable regulations. Each tract must identify, graphically, one land use by location, acreage, and density, which shall be consistent with the official zoning map.

(g) Subsequent Applications. Master Development Plan (not applicable)

* * * * *

Chapter 35, Article IV, Section 35-413 is amended as follows:

35-413 PUD Plan.

- (a) **Public Hearing.** Upon submission of the PUD plan, the director of development services planning shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of development services planning shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.
- (b) **Plan Approval.** After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the development services director of building inspections and other appropriate departments/agencies for use in issuing permits.
- (c) **Plan Changes.** Alterations to a PUD plan shall be classified as either substantial or non-substantial amendments. Non-substantial amendments may be approved by the development services director of planning. Substantial amendments shall be considered by the planning commission following the same procedure required for

the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:

- (1) A change which would include a land use not previously permitted under the approved PUD zoning.
- (2) A change which would alter the land use type adjacent to a PUD boundary.
- (3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.
- (4) A change which the director of development services ~~planning~~ determines would significantly alter the general character or overall design of the plan.

Chapter 35, Article IV, Section 35-420 is amended as follows:

35-420. - Comprehensive, Neighborhood, Community and Perimeter Plans.

* * * * *

(a) Applicability.

* * * * *

- (2) **Community Plans.** Based on the master plan policy for sector planning, the community building and neighborhood planning program includes a citywide system of community areas in order to develop community plans. The objective of dividing the entire city into community areas is to establish a framework for: developing community plans that impact and service all citizens of San Antonio; creating a citywide service system that fosters community-based partnerships and civic awareness that improves neighborhoods; and providing a means for articulating community values that is readily available to public and private entities which shape the future development of the community. The proposed community areas shall be identified by the department of planning and community development services based on the city's current population, and boundaries based on community association areas, the parks and recreation system plan service areas, creeks, freeways, major arterials, and census tracts.

* * * * *

(b) Initiation.

- (1) **Generally.** The planning process shall be initiated by the director of planning and community development and shall include other city departments, including the office of historic preservation ~~director of planning~~.

* * * * *

- (3) **Planning Team.** The ~~director of planning and community development~~ director services shall appoint the members of the planning team. The planning team shall execute a memorandum of understanding which outlines each group's responsibilities and a work program which outlines timelines for plan development. The planning team shall include, to the extent practicable, a cross section of the land area to be included in the plan including but not limited to residents (both renters and owners), business persons (both renters and owners), property owners of developed and unimproved properties, and institutional organizations such as school districts and churches. It is recognized that the composition of the planning team shall vary among the neighborhoods according to the land use and development character of each planning area.

* * * * *

- (d) **Decision.** The department of planning and community development services shall forward the plan to the planning commission and city council for adoption as a component of the comprehensive master plan as provided by article IX, § 122 of the City Charter.
- (1) **Type of Hearing.** The public hearing before the planning commission and the city council shall be conducted as a legislative hearing in accordance with subsection 35-404(d), above.
- (2) **Planning Commission.** The planning commission, after public notice in accordance with V.T.C.A. Local Government Code § 219.003 shall hold at least one (1) public hearing on such application and as a result thereof shall transmit its report to the city council. A public hearing shall be conducted, and a recommendation shall be submitted, by the planning commission in accordance with the requirements of V.T.C.A. Local Government Code § 219.003. Following a briefing from the ~~director of planning and community development~~ director services and consideration of public comments, the planning commission shall recommend to the city council approval of the plan, disapproval of the plan, or approval with changes as necessary to comply with subsection (e) of this section. Neighborhood plans not acted on after two (2) hearings before the planning commission shall at the discretion of the director of planning be forwarded to the city council for consideration without a recommendation by the commission.
- (3) **City Council.** The city council shall consider the proposed plan at a legislative hearing (see subsection 35-404(d), above). Following a briefing from the planning and community development director, review of the recommendations of the planning commission, and consideration of public comments, the city council shall approve the plan or disapprove the plan. The city council may overrule a disapproval of the proposed plan by the planning commission.
- (e) **Approval Criteria.**

* * * * *

- (3) **Planning Process.** The planning commission shall also evaluate the planning process to determine if the following criteria are met:
- i. Meetings were open to the public;
 - ii. Schedules and planning teams were approved by the ~~director of planning and community development director services~~;
 - iii. Appropriate departments, boards, commissions reviewed the plan; and
 - iv. That proper notification was given to nonresidential property owners and the owners of undeveloped property.

* * * * *

(5) Comprehensive Land Use Categories. The director of planning and community development shall make a written determination upon application by the property owner if a zoning district not listed in the comprehensive land use categories can reasonably be interpreted to fit into a comprehensive land use category where similar uses are described. Such determination may be the basis of establishing the zoning district as a permitted district in that comprehensive land use category. Each determination shall be specific only to the specific tract identified by the applicant and approved by the director. The effective date will be the date of the director's determination.

(f) **Subsequent Applications.** Not applicable.

(g) **Monitoring and Amendments.**

- (1) **Urban Indicators and Report.** Urban indicators shall be developed as each neighborhood, community, and perimeter plan is produced. Urban indicators are qualitative or quantitative measures that assess progress towards the goals identified in the plan. A report to measure the success of plan implementation shall be prepared every two (2) years, based on the urban indicators found in each specific plan, by a coordinating group appointed by the ~~director of planning and community development director services~~ consistent with the criteria established in subsection (b)(2), above, in order to implement the plan. The ~~director of planning and community development director services~~ shall distribute the report to the city council and city departments. The report shall not constitute a plan amendment, but shall be considered in updating and amending the plan pursuant to subsection (2), below.
- (2) **Amendments Required.** Each plan shall be subject to continuing evaluation and review by the ~~director of planning and community development director services~~ and the planning commission. The ~~director of planning and community development director services~~ shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered. The plan shall be reviewed by the planning commission at least once every five (5) years and if necessary amended by the city council. If the review is not performed, any property

owner in the planning area may file a petition with the director of planning and development services to amend the plan. If the ~~director of planning and community development director services~~ finds that the review has not been performed, he shall initiate the referenced public participation program regarding the proposed amendment and may set a schedule or deadline for the completion of the review. If the plan is not updated pursuant to a petition filed pursuant to this subsection, then subsection (h) shall not apply until such time as the plan is updated.

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Chapter 35, Article IV, Section 35-421 is amended as follows:

35-421. Zoning Amendments.

* * * * *

- (a) **Applicability.** The provisions of this section apply to any application for zoning reclassification of a tract, parcel or land area from one zoning district to another.
- (b) **Initiation.** All petitions, applications, recommendations or proposals for changes in the zoning district ~~classification~~ of property (referred to as a "rezoning") or for changes in the textual provisions of this chapter shall be filed with the zoning commission, and a pre-application conference is required for all applications prior to submittal of said applications. This conference must take place between the applicant and the zoning section of the Development Services Department. Text amendments may be proposed by any person. A proposed rezoning may be initiated by:
- (1) The city council by resolution; or
 - (2) An application properly signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of a property included within the boundaries of a proposed rezoning, unless otherwise provided for by this chapter. ³ When an amendment is initiated, an application for such amendment shall be submitted to the director. The applicant may file an application for subdivision plat approval concurrent with an application for a rezoning.

³ UDC § 35-605(b) (1) specifies initiation procedures for designation of historic districts. ~~requires concurrence of fifty-one (51) percent of the property owners within the boundaries of a proposed historic district.~~

-
- (3) The director of ~~planning and~~ development services pursuant to an annexation service plan or to correct an administrative error in the rezoning of a tract of land pursuant to this chapter.

~~When an amendment is initiated, an application for such amendment shall be submitted to the director.~~

- (c) **Completeness Review.** The director of ~~planning and~~ development services shall conduct a completeness review as set forth in section 35-402 of this chapter within two (2) working days of application submittal. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the zoning commission.
- (d) **Consistency.** For all applications for rezoning, the ~~planning and~~ development services department, based on the information provided by the applicant, shall make a determination regarding consistency with the policies contained in the master plan of the city or if applicable the land use element of a neighborhood, community, or perimeter plan adopted pursuant to section 35-420 of this chapter, within five (5) working days.
- (1) If the ~~planning and~~ development services department makes a determination that the requested rezoning is inconsistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the application for rezoning shall not be deemed complete until a completed application for a master plan amendment is filed with the planning and ~~community~~ development services department. The requested rezoning shall not be considered by the zoning commission until the planning commission has considered the master plan amendment request., provided however, the zoning commission may make a recommendation on the application for rezoning subject to submission of an application for a master plan amendment.
- (2) If the ~~planning and~~ development services department determines that the requested change is consistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the zoning case may be deemed complete without an amendment to the master plan of the city.
- (3) The appellate agency for purposes of consistency determination shall be the planning commission.

Commentary: The master plan is the comprehensive plan for the physical development of the city, as prescribed in the City Charter. The master plan includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof. Neighborhood, community and perimeter plans are components of the master plan. ~~In those cases where the planning and development services department finds that an application for rezoning is not consistent with the land use plan element of a neighborhood, community, or perimeter plan the zoning commission may 1.) Continue the zoning case pending a recommendation by the planning commission on a master plan amendment 2.) Recommend approval of the zoning case contingent on an application for a master plan amendment or 3.) Deny the application for rezoning. Applicants for rezoning are encouraged to request a master plan amendment before the submission of the zoning case so that action on the zoning case is not delayed.~~

~~(e)(d)~~ **Decision.** Upon certification by the director that the application is complete and ~~payment of required fees have been paid~~, the application shall be deemed complete and referred to the zoning commission for its review and recommendation as provided by V.T.C.A. Local Government Code § 211.007.

- (1) **Type of Hearing.** The public hearings before the zoning commission and city council shall be conducted as legislative hearings in accordance with subsection 35-404(d), above.
- (2) **Zoning Commission.** The zoning commission, after public notice in accordance with V.T.C.A. Local Government Code § 211.007(c), shall hold at least one (1) public hearing on such application and as a result thereof shall transmit its final report to the city council. All applications for a change in zoning which have been considered by the zoning commission shall be presented by the applicant to the city council within six (6) months from the date of the commission's final consideration. ~~The application shall be accompanied by the filing fee specified in Appendix "C".~~ In the event the applicant fails to present the application for rezoning to the city council within the prescribed period, a new original application and fees shall be required. A new application shall not be submitted to the zoning commission for consideration prior to the expiration of the six-month time period specified in subsection (gf), below, ~~is met~~. See subsection 35-404(b) for rules relating to failure of the zoning commission to submit a recommendation.
- (3) **City Council.** After the final report of the zoning commission is submitted to the city council as provided in subsection (2) above the council shall consider a zoning change after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Before the fifteenth day prior to the date of the hearing, notice of the time and place of the hearing shall be published in an official newspaper or a newspaper of general circulation in the city. After the receipt of the final report of the zoning commission, the city council shall approve or deny the rezoning or text amendment in accordance with V.T.C.A. Local Government Code § 211.007.

~~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 Appendix "C".~~

* * * * *

~~(f)(e)~~ **Approval Criteria.** In its review of an application for rezoning, the city council shall consider the following criteria. No single factor is controlling. Instead, each must be weighed in relation to the other standards. If the zoning commission finds that a proposed zoning amendment is inconsistent with the land use element of a neighborhood, community or perimeter plan adopted pursuant to section 35-420 of this chapter, as applicable, the application shall not be considered by the city council until a recommendation regarding a master plan amendment for the

proposed zoning amendment has been forwarded by the planning commission to the city council, either prior to or concurrently with the proposed zoning amendment.

- (1) **Consistency.** The city council does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The city's zoning map shall be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.
- (2) **Adverse Impacts on Neighboring Lands.** The city council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the city council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings which promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered
- (3) **Suitability as Presently Zoned.** The city council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.
- (4) **Health, Safety and Welfare.** The amendatory ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.
- (5) **Public Policy.** A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, or mixed-use development which functionally relates to the surrounding neighborhoods.
- (6) **Size of Tract.** The city council shall consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single city lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify an amendatory ordinance.

~~(7) — Right of Way Dedication.~~

- ~~A. — When considering a rezoning request initiated by a property owner, the city council may require right of way dedication along major thoroughfares and streets which do not meet the minimum right of way standards established by article IV of this chapter. Right of way dedication shall be required when the rezoning will change the street classification or increase the amount of traffic on the major thoroughfare or street based on the maximum intensity of the uses permitted in the existing and requested zoning districts.~~
- ~~B. — A change from permanent "R-4", "RM-4", "R-5", "R-6", "R-20" or "MH", to a multiple family residence, business, industrial, business park, or entertainment zoning district shall constitute prima facie evidence that an increase in traffic shall occur and require right of way dedication. The property owner shall have the right to introduce evidence to the zoning commission and city council to show that the zoning change will not increase traffic; however, the evidence must be based on all uses permitted in the requested zoning district, not solely on the proposed use of the property.~~
- ~~C. — The city council may require right of way dedication in other zoning changes as traffic and street conditions may warrant.~~
- ~~D. — The requirement for right of way dedication shall not be construed as a condition precedent to the approval of a change in zoning, but shall be a condition precedent to the granting of a building permit and/or certificate of occupancy.~~

~~(8)~~(7) **Other Factors.** The city council may consider any other factors relevant to a rezoning application under Texas law.

(g) Postponement of a Case by Applicant.

- (1) Prior to the city publishing the zoning case in the newspaper, an applicant may request in writing that the case not be scheduled for a public hearing date. In such cases, the applicant shall have six (6) months from the date of the written request to schedule the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a zoning change on the subject property.
- (2) If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the case will not be rescheduled for a public hearing date until the postponement fee has

been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a zoning change on the subject property.

- (3) If a request for postponement is not received by 4:30 pm on the seventh day prior to the public hearing date, the case shall remain on the public hearing agenda and will require the applicant to personally request such a postponement in front of the Zoning Commission or City Council.

(h) (f) Subsequent Applications.

* * * * *

- ~~(3) Postponement of Case by Applicant. Prior to the city sending notices to affected landowners for a requested zoning change an applicant may request in writing for the city to postpone the zoning case. In such cases the applicant shall have six (6) months from the date of the written request for postponement to reactivate the zoning case. After expiration of the six-month period the zoning fees shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of a zoning change on the subject property.~~

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

35-422. Conditional Zoning.

* * * * *

- (b) **Initiation.** A proceeding for approval of a conditional zoning district shall be initiated by filing an application with the director of ~~planning and development~~ services. ~~The~~At a minimum, the application must meet the following minimum criteria:
- (1) The application shall include a site plan that is prepared to scale ~~and shall also include associated detail drawings.~~ The site plan must be drawn with dimensions and a graphic scale must be provided. ~~The maximum scale acceptable for a site plan shall be one (1) inch equals one hundred (100) feet.~~
 - (2) To provide adequate information for city council to make an informed decision on a request for a conditional zoning district, eachEach site plan shall ~~illustrate~~show the following information:
 - ~~A. All of the information required by Table B-101-1, column (G) in Appendix B.~~
 - A.B.All proposed and existing driveways, sidewalks, parking areas and other

infrastructure above grade showing the proposed physical layout, dimensions and other relevant characteristics.

~~C. All existing driveways, sidewalks and other infrastructure as they currently exist above grade, showing the physical layout, dimensions and other relevant characteristics.~~

~~B.D.~~ The intended use of the property to which the current and proposed improvements relate.

C. The location and square footage of all proposed and existing structures.

D. The location, size and type of all fences, walls and/or retaining walls.

E. Landscaping.

(c) **Completeness Review.** The director of ~~planning and~~ development services shall conduct a completeness review as set forth in section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the zoning commission.

(d) **Decision.**

(1) ~~▲~~ The procedure for approving a conditional zoning district boundary shall be as required for a rezoning (subsection 35-421(d)) and as further provided herein. ~~However, if an application for a specific use permit is filed with the application for a conditional zoning district, a public hearing shall be conducted as provided in section 35-404 of this article.~~ In approving a conditional zoning district, the city council may impose such requirements and safeguards as indicated by subsection (e)(2) below and may specifically authorize the location of uses, subject to the requirements set forth in subsection (e)(2) of this section.

(2) ~~▲~~ Procedures for protest petitions shall be as set forth in V.T.C.A. Local Government Code § 211.006(d).

(e) **Criteria.**

(1) **Permitted Uses.** Notwithstanding any provisions of this chapter to the contrary, a conditional zoning district may be permitted as provided in this section so long as the criteria for approval of a rezoning are met (see subsection 35-421(d)). A conditional use permitted in a “UD”, “RD”, “MI-1”, or “MI-2” district shall meet all development standards of that district, including location criteria. Any use which requires a Specific Use Authorization as set forth in Tables 311-1 and 311-2 shall not be permitted in a less intense zoning district (as specified in the Intensity Ranges Table 403-2)

pursuant to a conditional zoning district. Uses permitted by right in the districts set forth in column (A) of Table 422-1 below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in column (B) of Table 422-1, as follows:

Table 422-1

(A) Use authorized by right in:	(B) May be permitted pursuant to a conditional zoning district in:
RM-4, RM-5, RM-6, O-1, NC, C-1	Any residential district
O-1, C-1, C-2, UD	NC, C-1, UD
O-1, O-2, C-2, C-3, UD	C-1, C-2, UD, RD
L, I-1, QD	C-2, C-3, UD, RD, MI-1

Note: The above table is applicable within all approved overlay zones and special districts, including but not limited to, the "ERZD", "MAOZ" and historic districts.

- (2) **Development Constraints - Generally.** In considering a request for a conditional zoning district, the zoning commission shall make a recommendation to the city council with reference to the use and development conditions which insure compatibility with surrounding properties. Compatibility in the context of this provision of the UDC shall refer to the compatibility of the proposed use with surrounding uses and adjacent zoning districts and not to building character, construction material or architectural design of the structure itself unless covered by other ordinances. Development constraints that may be specified as a requirement for a conditional zoning district shall be limited to the following unless approved by the city council:

A. Range of allowable uses in accordance with table 422-1 above.

- (3) **Development Constraints in Residential Districts.** The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:
- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
 - B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
 - C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

In addition, conversion of a residential structure into commercial use may impose additional city code requirements including but not limited to the building code, electric code or fire code, as applicable, based on the nature of the proposed use and occupancy classification.

- (5) **"QD" Special-Use Permits.** In considering a request for a conditional zoning districts~~special-use permit~~ for "QD" zoning, the zoning commission may also recommend the application of any or all of the development constraints provided for in subsection 35-350(c) and subsection 35-350(d) of this chapter as well as require more stringent adverse effects control than is required by section 16-405 of the City Code.

(h) Scope of Approval.

- (2) ~~**Time Period.**~~ A conditional zoning district shall run with the land until such time that the zoning is changed, ~~or the conditional use granted has been discontinued on the property for a period of twelve (12) months. However, the city council may impose a time limitation on a conditional zoning district granted in a single-family residential district. (As a courtesy the city shall notify the property owner by mail of the upcoming conditional zoning district expiration sixty (60) days prior to the expiration date of the permitted time period. Lack of notice of the expiration date shall not cause the conditional zoning district to be extended or continued.) Failure to renew the conditional zoning district prior to the date of its expiration may cause the conditional use to expire and the conditional use to terminate on that date. The director may then initiate proceedings to rezone the property to its former zoning district.~~

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- (4) ~~**Renewal in Single-Family Zoning Districts.**~~ Prior to the expiration of a conditional zoning district in a single-family residential district, a permit holder may seek a new conditional zoning district for the subject property in a manner that conforms to this section. ~~Recapture of financial investment relative to a conditional zoning district shall not be considered as grounds for extension and/or renewal of a conditional zoning district.~~

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Chapter 35, Article IV, Section 35-424 is amended as follows:

35-424. Ministerial Permits or Approvals.

* * * * *

(d) **Building Permit for Wireless Communications Systems.**

- (1) **Applicability.** ~~No~~Construction on a wireless communications system shall not be commenced or established unless and until a building permit has been issued by the director of planning and development services. No building permit application for a wireless communication system shall be considered complete unless the property has the necessary zoning to allow the wireless communication systems use.
- (2) **Initiation.** See subsection (a)(2) of this section.
- (3) **Completeness Review.** See subsection (a)(3) of this section. The board of adjustment shall render its decision affirming or denying the application of the director of ~~planning and~~ development services within thirty (30) days.
- (4) **Decision.** The director shall make every effort to render a decision approving or denying the application within thirty-five (35) days. However, pursuant to the Federal Communications Commission's Declaratory Ruling, *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, WT Docket No. 08-165 (November 18, 2009), the director shall take no longer than 150 days to approve or deny a complete application for the installation of a wireless communication system or 90 days for a complete application for collocation. -If the director fails to render a decision within this time period, the application shall be deemed approved.
- (5) **Approval Criteria.** No application for the installation of a wireless communications system or for collocation shall be issued or approved, and no wireless communications system or collocation of an antenna array shall be constructed or installed-established, except in conformance with the radio, television antenna, and wireless communication systems regulations found in (section 35-385 35-388) of this chapter.
- (6) **Subsequent Applications.** No restriction on subsequent applications is imposed by this section.
- (7) **Amendments.** Amendments to a ~~wireless communications~~ permit application for the installation of a wireless communication system or for collocation shall be processed in the same manner as the original application.
- (8) **Scope of Approval.** The approval of a building permit for a wireless communications system or for collocation shall expire and become null and

void unless a certificate of occupancy is obtained within a period of six (6) months following the issuance thereof. The building permit shall expire upon the expiration of the certificate of occupancy.

(9) **Recording Procedures.** See subsection (a)(9) of this section

(e) **Temporary Use Permit.**

- (1) **Applicability.** No temporary use subject to section 35-391 ~~35-395~~ of this chapter shall be established unless and until a certificate of occupancy has been issued by the director.
- (2) **Initiation.** See subsection (a)(2) of this section.
- (3) **Completeness Review.** See subsection (a)(3) of this section.
- (4) **Decision.** See subsection (a)(4) of this section.
- (5) **Approval Criteria.** No certificate of occupancy shall be issued or approved, and no temporary use shall be established, except in conformance with the temporary use regulations (section 35-391 ~~35-395~~) of this chapter.
- (6) **Subsequent Applications.** No restriction on subsequent applications is imposed by this section.
- (7) **Amendments.** See subsection (a)(7) of this section.
- (8) **Scope of Approval.** The approval of a certificate of occupancy for a temporary use shall expire within the time period prescribed in section 35-391 ~~35-395~~ for the requested use, unless otherwise provided by the building code.
- (9) **Recording Procedures.** See subsection (a)(9) of this section.

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Chapter 35, Article IV, Section 35-430 is amended as follows:

35-430 Applicability & General Rules.

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(c) **Plat Exceptions.** In accordance with V.T.C.A. Local Government Code §§ 212.004 and 212.0045 the platting exceptions set forth below are established. Applicants exempt from subdivision plat approval may be subject to development plat approval requirements pursuant to section 35-432 ~~35-435~~ of this article. Habitable uses within the regulatory floodplain shall always require platting. The applicant for plat exception shall

provide proof of ownership in the form of a warranty deed and a current tax certificate with indication of no taxes due. The department of ~~planning and~~ development services may issue building permits, and public utility providers may provide utility service, on any unplatted parcel otherwise subject to this section for the following activities:

- (1) The division of land into parts greater than five (5) acres within the city limits of the City of San Antonio, where each part has access and no public improvement is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of fifteen (15) feet onto a public street or recorded access easement of fifteen (15) feet onto a public street. Public improvement shall mean creation of new streets, alleys or the extension of off-site utilities or the installation of drainage improvements
- (2) The division of land into parts greater than ten (10) acres in the ETJ of the City of San Antonio, where the owner does not lay out part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, squares, parks, or other parts shall not require a subdivision plat.
- (3) Each tract greater than ten (10) acres in size is eligible for up to three (3) single-family utility connections provided each part is held under common ownership, each tract has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean each tract has a minimum frontage of fifteen (15) feet on an existing public or platted private street or irrevocable access easement.
- (4) Uninhabitable uses that are to be retained in an undeveloped state shall not require a subdivision plat, provided: (1) the division does not create more than three (3) parcels, (2) each parcel contains a minimum area of five thousand (5,000) square feet, (3) the division does not involve the creation of any streets or alleys, and (4) no utility services shall be provided to the parcels, provided however, that the director of ~~planning and~~ development services may exempt other uninhabitable uses from subdivision plat requirements upon determining that the uses are consistent with the intent of these provisions.

Commentary: The intent of this subsection is to allow the division of land without platting so long as the land remains undeveloped. Platting is required at the time utility services or building permits are requested unless one (1) of the other plat exceptions applies.

- (5) Other uninhabitable uses including, but not limited to, pumps, oil wells, sheds, security lights, traffic devices, monuments, signs ~~billboards~~, utility equipment huts, communication towers, or public infrastructure, ~~or temporary field office~~ shall not require a subdivision plat. This shall also include fences as well as unenclosed structures such as porches, carports, decks, gazebos and pavilions.
- (6) Public parks and golf courses owned, operated, or maintained by a governmental entity shall not require a subdivision plat. This exception shall not include athletic facilities such as stadiums, natatoriums, concession facilities or similar improvements within park facilities.

(7) Temporary field/subdivision sales offices or seasonal type uses shall not require a subdivision plat.

~~(8) Existing single family dwelling units with electrical service in place or suspended shall not require a subdivision plat.~~

~~(8)~~ (9) Replacement and/or repair of a pre-existing or existing single-family dwelling unit or related accessory structure shall not require a subdivision plat if it was damaged, destroyed or ruined by flooding, fire, windstorm or other natural disaster. This exception shall only apply in such cases where reconstruction does not increase the building footprint or height by more than ten percent (10%).

~~(9)~~ (10) The land for which a building permit or utility service is being requested is a lot or remaining portion of a lot previously platted under the jurisdiction of the county or city.

~~(10)~~ (11) The division of any tract of land into parcels which are to be used solely for agricultural, mining, or quarrying purposes shall not require a subdivision plat, provided: (1) each parcel contains a minimum area of twenty (20) acres, and (2) no utility services shall be provided to an inhabitable use.

~~(11)~~ (12) The provision of utility service to not more than three (3) detached single family dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met:

A. ~~●~~—The tract is located outside the city limits within the extraterritorial jurisdiction of the city;

B. ●—The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;

C. ●—The tract was created prior to January 1, 2005-2000;

D. ●—The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit, additional County requirements may be imposed where on-site sewage facility is proposed;

E. ●—The tract is held under single ownership;

~~●—No major thoroughfare dedication is required;~~

F. ●—No dwelling unit will be located within a regulatory floodplain; and

G. ●—No utility extension is required;-

H. No major thoroughfare dedication is required.

When major thoroughfare dedication is required Pursuant to subsection (e) (9)(5), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "B C" in lieu of public dedication through platting when necessary. Any further subdivision shall require approval of a subdivision plat as provided herein.

- (12) (13) Sewer and water service to existing buildings. If existing buildings on an unplatted tract are occupied, sewer and water services may be provided if "all" of the following conditions are met:
- A. The applicant provides evidence that non single-family development and/or non single-family improvements had received electrical service for a minimum continuous period of five (5) years prior to the date of application for sewer and/or water services.
 - B. The site is not subject to thoroughfare dedication;
 - C. If applicable, existing building/s shall comply with the floodplain ordinance;
 - D. Service is restricted to existing uses; and
 - E. Impact fees are paid at time of application for service.
- (13) (14) An existing single-family residence can add a second residential structure provided they utilize the same electrical meter and the occupant is family. In addition, the applicant will need to comply with all zoning, building and on-site sewage facility requirements.
- (14) Requests for permits within the existing building's footprint area of an otherwise lawfully permitted structure.
- (15) The lot is located within the original thirty-six (36) square mile area of San Antonio, and the boundaries of the lot were recorded in the Deed and Property Records of Bexar County prior to June 14, 1927 and the lot remains in its original configuration. It shall be the obligation of the applicant for plat exception to provide documentation of the lot's recording prior to June 14, 1927.

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(f) **Performance Agreements.**

- (1) **Performance Agreement Required.** No plat shall be approved unless a performance agreement is provided and filed with the City of San Antonio that meets the requirements of section 35-437 35-436 of this chapter, unless no improvements are required.
- (2) **Performance Agreement and Site Improvement Time Extension Granted by Director of Development Services or Planning Commission.** An applicant may request a performance agreement time extension provided that site improvement construction has started and is submitted with a written request and justification to the director of ~~planning and~~ development services at least thirty (30) days prior to the time limit set out in the performance agreement. Any applicant requesting a

performance agreement time extension for a recorded plat shall provide a performance guarantee extension in order for an extension to be granted, unless the plat has not been recorded. Such guarantee must be filed within thirty (30) days of the granting of the extension or the extension shall become null and void. Once filed, the City Attorney's Office shall have 15 working days to review the guarantee as to form. Within the same 15 working days period, the Director of Development Services shall review the guarantee for approval or denial. If denied, the applicant may at his/her option revise any nonconforming aspects. However, if the guarantee is revised and resubmitted, the Director of Development Services and City Attorney's Office shall have an additional 15 working days from the latest date of submission to review and approve or deny the revised guarantee. Such time periods shall not prevent the applicant and the city from agreeing to extend the city's response time contained in this subsection. ~~Should the granting of such extension require the filing of any instruments, such as those set out in Appendix "B", the Any fees associated with time extensions granted under this subsection for recording such instruments shall be paid by the subdivider to the director of planning and development services. The director of planning and development services is authorized to approve time extensions which meet the following criteria after consultation with all affected departments and utilities:~~

- A. Sidewalk improvements. Except for sidewalks subject to section 35-506 (q)(4), a A three year time extension from the expiration of the performance agreement may be granted provided a plan indicating the uncompleted sidewalks, a time schedule for completion, and an updated cost estimate for completion is submitted and approved by the Director of Development Services.
- B. Other site improvements. A one-year time extension from the expiration of the performance agreement may be granted provided at least seventy-five (75) percent of the required site improvements are completed and approved by the Director of Development Services.
- C. Time extension requests ~~which do not meet the above criteria or~~ that are not eligible for approval or are not approved by the Director of planning and Development Services may ~~shall~~ be considered by the planning commission ~~whose decision shall be final.~~ provided that:
 - 1. a decision to either approve or disapprove the extension is made by the planning commission at least 30 days prior to the expiration of any current performance agreement or guarantee;
 - 2. any extension approved by the planning commission shall not exceed three years;
 - 3. any plat not recorded within six (6) years from the date of plat approval, including any time extensions, shall expire and
 - 4. a guarantee of performance in an amount sufficient to cover the cost of remaining site improvements shall be required in order for an extension to be approved. Such guarantee must be filed and

approved within thirty (30) days of the approval of the extension or the extension shall become null and void.

- ~~(3) Time Extension Granted by Planning Commission. The planning commission may grant a time extension as provided in subsection (2), above, if the subdivision plat does not have an expiration date and no progress has been made towards completion of the project, as defined in V.T.C.A. Local Government Code § 245.005. If no time extension is granted, the subdivision plat shall expire on May 11, 2004.~~

Chapter 35, Article IV, Section 35-431 (b) (1) is amended as follows:

35-431 Application for Plat Identification Number/Letters of Certification.

(b) Initiation.

- (1) **Certifying Departments.** A request for letters of certification and required items shall be filed by the applicant with the following departments (hereinafter "certifying departments"):
- A. Department of planning and community development services.
 - B. Office of historic preservation.
 - C. SAWS.
 - D. CPS Energy.
 - E. Department of parks and recreation. Nonresidential plats at the discretion of the ~~director of planning and development services~~ director in consultation with the director of the parks and recreation department may not be submitted to the parks and recreation department for review and comment on park or open space dedication. Nonresidential plats will be submitted to the parks and recreation department for information purposes only. If the parks and recreation department should find a plat that they wish to comment on they may do so by submitting such comment to the attention of the ~~planning and development services~~ director at least twenty-four (24) hours prior to the planning commission meeting at which the plat is to be heard.
 - F. Applicable county.
 - G. Department of development services.

Chapter 35, Article IV, Section 35-432 is amended as follows:

35-432. Procedures for Subdivision Plat Approval.

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(h) Scope of Approval.

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- (2) **Failure to Approve.** An application for plat approval shall expire, and shall be void for all purposes if a plat is not approved in accordance with this chapter within two (2) years from the date that the plat number was assigned. Upon expiration of the plat application, a new plat number, application and fee shall be required if plat approval is still sought. ~~Plat applications that have been submitted prior to September 1, 1997, and that have not been approved in accordance with this chapter, shall expire no later than May 15, 2005 unless otherwise prohibited by state law.~~
- (3) **Failure to Record.** If a plat is not recorded in the county deed and plat records within three (3) years from the date of plat approval or upon expiration of any time extension thereto, approval of such plat shall expire. Thereafter, should the applicant desire to record the plat, a new application shall be required in the same manner as for a previously unsubmitted plat. Prior to the three-year expiration date the applicant may request a time extension in accordance with subsections 35-430 (f) (2) and 35-437 ~~35-430(f)~~ of this article.

* * * * *

(i) Recording Procedures.

- (1) **Fees.** At the time an application for a plat located within the city limits is submitted to the director of ~~planning and~~ development services, the applicant shall deposit fees covering the cost of recording the plat. Such fees shall be in the form of a check made payable to the City of San Antonio.
- (2) **Recordation.** The director of ~~planning and~~ development services shall release for recordation file for record an approved plat in the deed and plat records of the county within which the plat is located, provided the property owner consents in writing, outstanding liens imposed by the city (on sites cleared of debris, removal of health hazards, over growth and/or the razing of unsafe building(s)) is resolved and approved by the director of finance, and the plat meets applicable conditions:
- A. No site improvements are required;
 - B. All required site improvements have been completed and accepted by the director of ~~planning and~~ development services;
 - C. A performance agreement and a guarantee of performance as described in section 35-437 have been filed with and approved by the Director of Development Services and the City Attorney's Office as to form ~~the city clerk; and/or~~
 - D. All required impact and drainage fees have been paid, ~~and/or~~

~~E. Outstanding liens imposed by the city on sites cleared of debris, removal of health hazards, over growth and or the razing of unsafe building(s) is resolved and approved by the director of finance.~~

Chapter 35, Article IV, Section 35-434 is amended as follows:

35-434. Plat Deferral.

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(h) Scope of Approval.

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(2) Plat Deferral - Failure to Submit Plat. If final submittal for plat approval is not complete within one hundred eighty (180) ~~thirty-five (135)~~ days of the date the plat deferral was granted by the planning commission, staff will schedule the director of development services shall notify the applicant by certified mail that the failure to file a plat within forty-five (45) days may result in the termination of electric service and/or revocation of the building permit. Prior to ~~revoking~~ a plat deferral for the commission to shall formally consider and adopt a resolution authorizing the termination of electric service and/or revocation of the building permits until such time as a plat is approved and recorded.

* * * * *

Chapter 35, Article IV, Section 35-437 is amended as follows:

35-437. Performance Agreement.

When site improvements, other than gas and electric lines are required in conjunction with a plat, a performance agreement an instrument to ensure construction of the site improvements shall be executed by the applicant and filed with the planning commission together with the plat. Such instrument shall be substantially the same as form "F" in Appendix "B", ~~§ 35-119(f)~~ § 35-121 and shall be filed with the City of San Antonio when a guarantee of performance is ~~posted~~ required. A request for an extension of time for plat recordation shall include a request for an extension of the performance agreement.

(a) Guarantee of Performance. As is provided for in subsection 35-432(i), 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 approved and filed with the City of San Antonio within three (3) years after the plat has been approved by the planning commission: a performance bond, a trust agreement, a or an irrevocable standby letter of

credit, or a cash or cashier's check. All site improvement estimates submitted to the director of development services shall detail the specific improvements needed, and shall bear the official seal and signature of a professional engineer attesting to the accuracy of the dollar amounts contained in the estimate. Any guarantee submitted shall clearly state the procedure and complete contact information for collection should a claim or draw be necessary, and shall cover the time period from submittal and approval to 3 years, or 3 years and 90 days in the case of a letter of credit, from the date of plat approval.

- (1) **Performance Bond.** A single performance bond shall be executed by a surety company licensed to do business in the state of Texas and listed at the time of bond submission on the Department of the Treasury's Listing of Approved Sureties as a certified company. ~~in an~~ The amount shall equal to the cost estimate, as approved by the director of planning and development services, 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 pass a final inspection by the director of planning and development services, within three (3) years from the date of plat approval, or shall have received an approved extension at least 30 days prior to the expiration of the performance bond. A performance bond must be drawable claimable in Texas through a Texas office designated on the bond and shall be substantially in the same form as form "H" set out in Appendix "B", subsection 35-B121(f). The director of ~~planning and~~ development services is authorized to sign the bond instrument on behalf of the city and the city attorney shall approve the same as to form prior to acceptance of the performance bond.
- (2) **Trust Agreement.** The subdivider shall cause to be placed in a trust account on deposit with a "Trust Institution" as defined by the Texas Finance Code, Title 3, *Financial Institutions and Businesses* ~~an entity~~ that is licensed to do business in the State of Texas, (specifically, a bank, trust company, savings bank, savings association or credit union ~~or qualified escrow agent~~ as selected by the subdivider and approved by the director of ~~planning and~~ development services) a sum of money equal to the cost estimate, as approved by the director of ~~planning and~~ development services, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The trust account must be drawable in Texas and shall be established by agreement which shall be substantially in the same form as form "J" set out in Appendix "B", subsection ~~35-B121~~ 35-B121(f). The director of ~~planning and~~ development services is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.
- (3) **Irrevocable Standby Letter of Credit.** The subdivider shall provide ~~an a~~ a single irrevocable letter of credit issued by a bank ~~an entity~~ licensed to do business in the State of Texas in an amount equal to the cost estimate, as

approved by the director of ~~planning and~~ development services, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The letter of credit, ~~properly executed~~, must be drawable through a in Texas office, state that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the letter of credit, and shall be substantially in the same form as form "K" set out in Appendix "B", subsection 35-BI21 (f). The director of ~~planning and~~ development services is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form prior to acceptance of the letter of credit.

- (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 ~~planning and~~ development services, of all uncompleted and ~~unaccepted unacceptable~~ site improvements (other than gas and electric lines) required by these regulations. Such cash or cashier's check shall be deposited and handled as per city policy. Any accrued interest may be utilized by the city to complete site improvements; however should such interest not be needed to complete site improvements it shall be returned to the subdivider. Upon completion of the required site improvements and ~~their acceptance~~ the site improvements passing final inspection by the director of ~~planning and~~ development services, the amount will be refunded to the subdivider by the city.
- (b) **Substituting Guarantees.** When a subdivider has given security in any of the forms hereinabove provided, and ~~when~~ fifty (50) percent of the required site improvements has have been completed and has been accepted approved in writing by the director of ~~planning and~~ development services, ~~or whenever any segment or segments of the required site improvements have been completed and have been accepted by the director of development services,~~ the subdivider may substitute for the original guarantee, a new single guarantee in an amount equal to the cost of the remaining site improvements. The cost estimate shall be approved by the director of ~~planning and~~ development services. 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. Additionally, a guarantee (not including trust agreements) may not be substituted more than two times (not to include a one time substitution approved by the director of development services upon the granting of a time extension) and in no event shall the amount of a substituted guarantee be less than ten (10) percent of the total amount of the original guarantee amount. For trust agreements, subdivider may withdraw from the Trust Amount when 50% or more of the remaining cost estimate has been completed and approved in writing by the Director of Development Services. Subdivider may not withdraw more than four times (not to include a one time substitution

approved by the director of planning and development services upon the granting of a time extension) during the life of the trust. In no event shall the amount of the trust be less than twenty (20) percent of the total amount of the original cost estimate until all improvements have been completed and approved

(c) **Supplementary Guarantees.** Supplementary guarantees may be required as follows:

(1) **Renewal.** ~~One (1) year from the date of plat recordation, and annually thereafter until~~ Until the expiration of the three-year period from the date of plat approval, the director of ~~planning and~~ development services, shall periodically 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 of ~~planning and~~ development services, 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 or she shall require a substitute guarantee to cover the newly estimated cost or a supplemental guarantee to cover the additional sum needed for completion.

(2) **Performance Guarantee.** 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 ~~planning and~~ development services, required to cover an estimated inflationary increase in the cost during the duration of the period covered by the performance guarantee.

(3) **Failure to Provide Guarantee.** Should the subdivider fail to provide the necessary additional substitute guarantee within thirty (30) days of a request for same by the director of ~~planning and~~ development services, the director of ~~planning and~~ development services shall refuse to accept from such subdivider a performance agreement or guarantee under any form which is related to ~~the a~~ plat of a subdivision subsequently filed ~~with the planning commission~~ in which such subdivider has a an principal or subsidiary interest.

(d) **Release Upon Completion of Site Improvements.** Upon completion of the required site improvements and final inspection acceptance by the director of ~~planning and~~ development services, and county engineer if the site is located in the ~~ETJ~~ extraterritorial jurisdiction of the city, an instrument releasing the applicant from the provisions of the performance agreement and the performance guarantee shall be filed with the City of San Antonio. Such release shall be substantially the same as form "L" in Appendix "B", subsection ~~35-B120(f)~~ 35-B121. If the necessary permits required to complete the site improvements (including, but not limited to, floodplain development permits) are denied by the city and are no longer required to serve the lots within the subdivision, the director of ~~planning and~~ development services shall approve and release the performance agreement and guarantee as provided herein.

- (e) **Site Improvement Time Extensions.** Time extensions for an approved and filed guarantee of performance may be granted by the director of planning and development services or the Planning Commission as provided under section 35-430 (f) (2) (Performance Agreement and Site Improvement Time Extension Granted by Director of Planning and Development Services or Planning Commission).
- (f) **No Third Party Beneficiaries Intended.** It is the intention of the City of San Antonio that submitted and approved guarantees are limited to a contract between the City and the applicant for the express purposes of providing protection for the citizens of San Antonio, eliminating conditions which could become public nuisances, and ensuring compliance with the Unified Development Code. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a payment bond, or that the security provided become available to the purchasers of property to correct construction flaws or defects which are the fault of a previous owner.

Chapter 35, Article IV, Section 35-441 is amended as follows:

35-441. Amending Plats.

(a) **Applicability.**

* * * * *

- (14) **Unrecorded plats.** A plat that has been approved but not recorded in the office of the county clerk may be amended for the purpose permitted for a recorded plat. In addition, an unrecorded plat may be amended to add, delete, or relocate an easement required by a certifying department/agency 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 and~~ development services that a new plat be submitted.

* * * * *

Chapter 35, Article IV, Section 35-453 (c) is amended as follows:

35-453 Permits Affecting Property Recommended by the Historic Design and Review Commission for Historic Designation.

- (c) **Completeness Review.** The historic preservation officer ~~director of planning and development services~~ shall review the application in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

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

35-454. - Review of Plans for City-Owned Properties.

(c) Completeness Review. The historic preservation officer ~~director of planning and development services~~ shall review the plan review application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

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

35-455 Demolition Permit Applications.

(c) Completeness Review. The historic preservation officer ~~director of planning and development services~~ shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Chapter 35, Article IV, Section 35-472 is amended as follows:

35-472 Water Pollution Abatement Plan.

A water pollution abatement plan approved by the Texas Commission on Environmental Quality ~~Texas Environmental Quality Commission~~ shall be required for all regulated development as established and defined by Texas Administrative Code, 31 TAC 213.1-213.11, prior to the issuance of a building permit and/or certificate of occupancy.

Chapter 35, Article IV, Section 35-480 (d) is amended as follows:

35-480. Generally.

(d) Recommendation From Other Public Agencies. The board of adjustment shall receive and consider recommendations from public and semi-public 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. All items requiring consideration by other City boards or commissions shall be submitted for consideration to said bodies for a date prior to Board of Adjustment consideration. Additionally, pre-application conferences between the applicant and the Department staff shall be required prior to submission of any item for consideration by the Board.

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

35-481. Appeals to Board of Adjustment.

* * * * *

(d) Decision.

- (1) **Appearance.** A party may appear at the appeal hearing in person or by agent or attorney.
 - (2) **Hearing.** The board of adjustment shall consider the appeal at a quasi-judicial public hearing pursuant to section 35-404. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the concurring vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official.
 - (3) **Time Limit for Decision.** The board shall decide the appeal within a reasonable time.
- (e) **Appeal from Board of Adjustment.** An appeal from a board of adjustment decision shall be filed pursuant to V.T.C.A. Local Government Code § 211.011 ~~V.T.C.A. Local Government Code § 211.011(b).~~ During the pendency of an appeal to district court the proceeding will not be stayed except as provided by V.T.C.A. Local Government Code § 211.011.

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

35-482. Zoning Variances.

- (a) **Applicability.** A request to the board of adjustment for permission to vary or depart from a requirement of article III or article V, sections 35-506(d)(5) and 35-506(r)(6) (to include Table 506-7), 35-510, 35-514, 35-515, 35-516, 35-517, 35-525, 35-526, and 35-527 of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

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Chapter 35, Article IV, Section 35-487 (d) is amended as follows:

35-487. Variances in Utility Conversion Districts.

- (d) **Decision.** The director of public works shall either grant or deny the variance within thirty (30) days of the application's receipt in the director's office. If the variance is denied, the director shall so notify the applicant in writing, return receipt requested, or by hand delivery. If the variance is denied, the applicant may appeal the decision of the director of public works to city council by filing a written notice of appeal with the city clerk within ten (10) days of the applicant's receipt of the notice of denial of

the variance. The Public Works Director ~~city clerk~~ shall then schedule a council hearing on the appeal at the earliest convenient regular council meeting and shall notify both the appellant and the director of public works of the date of the council hearing. After holding a hearing on the denial of the variance, the council by majority vote shall either sustain the actions of the director of public works or order the director to grant the variance.

Chapter 35, Article IV, Section 35-494 is amended as follows:

35-494. Enforcement of Subdivision Regulations.

* * * * *

(d) Completion of Improvements.

- (1) **Liability.** 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.
- (2) **Remedy.** If the construction of site improvements has been guaranteed by a filed and approved form of security described in section 35-437 ~~35-438~~ and such improvements have not been completed and accepted by the city within the time period prescribed by these regulations, the director of ~~planning and~~ development services, 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 ~~planning and~~ development services to finance the completion of the required improvements. In the event that the amounts of money referred to above are insufficient to finance the completion of the required improvements, the director of ~~planning and~~ development services 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 within the following ninety (90) days. 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 ~~planning and~~ development services 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 ~~planning and~~ development services 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 subsection 35-432(i)(1).

* * * * *

Chapter 35, Article IV, Section 35-497 is amended as follows:

35-497. Sexually Oriented Businesses.

Any natural person or corporate entity who violates any provision of the sexually oriented business regulations (section ~~35-388~~ 35-392) shall be guilty of a Class C misdemeanor offense, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00).

* * * * *

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

(d) Roughly Proportionate Appeal.

(1) An applicant may appeal to the city council the determination of the ~~planning and director of planning and~~ development services director and the city's approved determination study, made in accordance with subsection 35-501(b), that improvements attributable to and necessitated by the development can be required in addition to those proposed by the applicant. The purpose of the appeal is to determine whether the infrastructure improvements required by the director are roughly proportionate to the proposed development.

(2) Roughly Proportionate Appeals Procedure.

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E. Upon receipt of the response of director, the Director of Development Services ~~city clerk~~ shall schedule a time and date for the city council to consider the appeal not sooner than thirty (30) calendar days but no later than sixty (60) calendar days after receipt of the ~~planning and~~ development services director response and submission.

* * * * *

H. After receipt of the director's or applicant's amendment response the Director of Development Services ~~city clerk~~ shall reschedule a time and date for the city council to consider the appeal not sooner than thirty (30) calendar days but no later than sixty (60) calendar days from the last date upon which a response shall be filed for the city council to consider the appeal.

* * * * *

(h) Extended Warranty Bond.

(1) General. All subdivisions requiring streets and drainage improvements within the City of San Antonio and the extraterritorial jurisdiction shall be subject to a minimum one-year maintenance bond.

Prior to acceptance of subdivision improvements, the developer shall provide the city, or county if within the ETJ, with an extended warranty bond meeting the requirements and timeline set out below. ~~, issued by a corporate surety company licensed to transact business in the State of Texas, to secure maintenance and repair of subdivision [improvements] for the period ending at least twelve (12) months subsequent to acceptance of the subdivision improvements by the city or county when applicable.~~

(2) Bond Requirements. An extended warranty bond submitted under this chapter shall meet the following requirements:

- A. Issued by a corporate surety listed at the time of bond submission on the United States Department of the Treasury's Listing of Approved Sureties and be approved by the Director of Development Services;
- B. The bond shall be on a form acceptable to the city, or county if within the ETJ;
- C. The amount of the bond shall be based on construction costs submitted by a licensed engineer in the State of Texas. Construction costs shall detail the specific improvements and amounts covered and shall bear the official seal and signature of the professional engineer attesting to the accuracy of the dollar amounts.
- D. The warranty bond amount submitted shall be a minimum 10% value of the construction costs, but no less than \$25,000.
- E. The expiration date of the bond shall be at least one year from the warranty start date specified in paragraph 35-501(h)(4).

(3) Final Inspection Requirements. Prior to the final inspection of subdivision improvements an extended warranty bond issued by a corporate surety company licensed to bond such improvements in the State of Texas shall be provided by the applicant to the city, or county if within the ETJ.

(4) Warranty Start Date. The warranty period shall begin on the date the plat is recorded or the date of preliminary field approval of the improvements, whichever is later in time.

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Chapter 35, Article V, Subsection 35-502 A is amended as follows:

35-502 Traffic Impact Analysis and Roughly Proportionate Determination Study.

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(b) Traffic Generation Reports

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(2) **Trip Analysis.** The property owner, or owner's agent, shall submit one of the following three types of reports listed below based on the number of Peak Hour Trips (PHT) generated by the proposed development as determined from the most recent version of the *ITE Trip Generation Manual* when the property is part of a master development plan (MDP), planned unit development (PUD), plat, building permit, or is subject to an application to rezone. PHT analyzed may be the AM, Midday, PM, Saturday, and/or Sunday peak hours, based on the peak hour trip generation for that given day. Linear trip generation rates shall be used, except where the *ITE Trip Generation Manual* clearly indicates the use of regression equations better captures the trip generation estimates.

* * * * *

(f) Mitigation Improvements and Roughly Proportionate Determination.

- (1) The purpose of the traffic impact analysis is to identify if any mitigation improvements are necessitated by and attributable to the proposed development. Required mitigation improvements by the City and/or County may include the following:
 - A. Implementation of the major thoroughfare plan; including right-of-way dedication (right-of-way dedication value shall be determined using the most recent appraisal district land values) and/or construction in accordance with subsection §35-506(e)(8).
 - B. Improvements identified in subsection §35-502(b)(2)A Peak hour Trip Generation Form and Turn Lane Assessment and §35-502(c) traffic impact analysis.
 - C. Identification of other improvements. The applicant shall propose improvement measures for the items listed in table 502-2. Other improvements include, but are not limited to, pavement widening, turn lanes, median islands, access controls, curbs, sidewalks, traffic signalization, traffic signing, pavement markings, etc.

- D. Improvements inside the TxDOT right-of-way required by the City and/or County, including right-of-way dedication, as approved by TxDOT.

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Chapter 35, Article V, Subsection 35-503 is amended as follows:

35-503 Parkland Dedication Requirement.

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(g) Fee in Lieu of Land Dedication (Optional). The intent of the park dedication requirement is to provide parks in neighborhoods. However, circumstances may arise that do not allow parkland dedication.

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(3) For purposes of computing the fair market value of property, variable V in equation above, the applicant may select one (1) of the following:

A. The fair market value at the time of application of the undeveloped land as determined by a MAI certified real estate appraiser at the applicant's expense; or

B. The actual purchase price of the property as evidenced by the applicant's most recent purchase money contract or closing statement dated within two (2) years of the date of application.

(4) The fair market value, variable V, shall not exceed ~~fifty~~ thirty thousand dollars ~~(\$50,000.00)~~ (\$30,000.00) per acre. The fair market value cap may be revised annually during the city's budget adoption process beginning with the adoption of the fiscal year 2007 budget. The annual revision shall be based upon no more than the cumulative Consumer Price Index. Beginning in 2010, and once every fifth year thereafter, the fair market value cap may be adjusted based on the evaluation and recommendation of a consultant selected and engaged by the city.

* * * * *

Chapter 35, Article V, Subsection 35-504 is amended as follows:

35-504 Stormwater Management.

* * * * *

(b) Stormwater Management Program

* * * * *

(8) The City of San Antonio (COSA) encourages the installation of Low Impact Development (LID) features such as engineered swales, engineered infiltration storm sewer systems, bioretention, and engineered wetlands. For all developments proposed within the COSA jurisdictional boundaries, these features may be considered on-site detention features to the extent that they reduce the storm water runoff expected downstream as a result of such developments. It shall be the developer's responsibility to demonstrate that said LID features provide such benefit. Credit toward RSWMP fees will be considered and approved on a case by case basis by the Department of Public Works.

(c) Method of Computing Runoff.

* * * * *

(7) Design Rainfall and Areal Reduction.

1. **Design Rainfall.** A twenty-four-hour rainfall distribution shall be applied for runoff calculations. Rainfall intensities as adopted for the City of San Antonio are given in Table 504-5 ~~and should be used for HEC-1 input.~~ The lag value for a sub area shall be calculated as 0.6 times the time of concentration.

Table 504-5

Design Rainfall Values (inches)

<u>USGS Adjusted Rainfall Values (pre-areal reduction)</u>						
<u>Frequency of Storm</u>	<u>5-year</u>	<u>10-year</u>	<u>25-year</u>	<u>50-year</u>	<u>100-year</u>	<u>500-year</u>
<u>Exceedance probability</u>	<u>0.2</u>	<u>0.1</u>	<u>0.04</u>	<u>0.02</u>	<u>0.01</u>	<u>0.002</u>
<u>Storm Duration</u>						
<u>5 min</u>	<u>0.68</u>	<u>0.78</u>	<u>0.93</u>	<u>1.04</u>	<u>1.13</u>	<u>1.52</u>
<u>15 min</u>	<u>1.40</u>	<u>1.60</u>	<u>1.80</u>	<u>2.10</u>	<u>2.50</u>	<u>3.30</u>
<u>1 hour</u>	<u>1.85</u>	<u>2.76</u>	<u>3.32</u>	<u>3.85</u>	<u>4.35</u>	<u>5.80</u>
<u>2 hour</u>	<u>2.37</u>	<u>3.55</u>	<u>4.35</u>	<u>5.10</u>	<u>5.80</u>	<u>8.10</u>
<u>3 hour</u>	<u>3.26</u>	<u>3.95</u>	<u>4.90</u>	<u>5.70</u>	<u>6.60</u>	<u>9.40</u>
<u>6 hour</u>	<u>3.80</u>	<u>4.60</u>	<u>5.70</u>	<u>6.50</u>	<u>7.50</u>	<u>10.60</u>
<u>12 hours</u>	<u>4.40</u>	<u>5.40</u>	<u>6.40</u>	<u>7.50</u>	<u>8.80</u>	<u>12.40</u>
<u>24 hours</u>	<u>5.00</u>	<u>6.00</u>	<u>7.50</u>	<u>9.00</u>	<u>10.00</u>	<u>13.70</u>

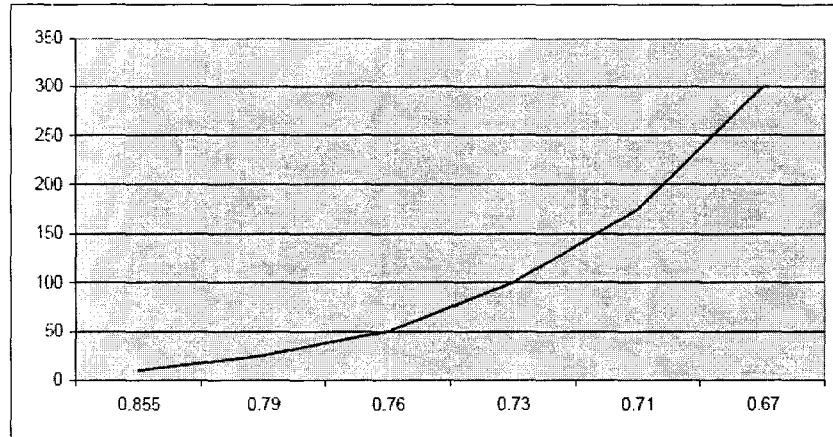
2. **Areal Reduction.** Calculated storm water runoff at a given point may be reduced by the factors shown in Table 504-5.1 based upon the tributary area (in square miles) draining to said point.

Table 504-5.1

Areal Reduction Factors **

(for use in calculating Point Rainfall for Bexar County)

Area (sq mi)	Base ARF for Area
10	0.855
25	0.79
50	0.76
100	0.73
175	0.71
300	0.67



** Source: 2007 Watershed "Hydrology Technical Support Data Notebooks" on file with the San Antonio River Authority. ~~Runoff can be reduced by the attached areal reduction factors for areas greater than 10 square miles. For additional information refer to "Karl McArthur, PBS&J, Project #441184.04, Standards Coordination: Areal Reduction Approach for HEC-HMS, Letter dated March 4, 2005"~~

Duration	Frequency					
	5-year	10-year	25-year	50-year	100-year	500-year
5 minute	0.58	0.64	0.73	0.8	0.87	1.03
15 minute	1.26	1.39	1.59	1.75	1.91	2.25
60 minute	2.53	2.9	3.43	3.84	4.25	5.2
2 hour	3.08	3.66	4.42	4.99	5.57	6.95
3 hour	3.57	4.23	5.04	5.64	6.23	7.6
6 hour	4.26	4.99	5.89	6.52	7.13	8.47
12 hour	4.68	5.55	6.58	7.32	8.05	9.68
24 hour	5.45	6.55	7.78	8.78	9.91	12.75

(f) **Stormwater Detention and other Storm Water Management Facilities.**

(2) On-Site Detention and Water Quality (including Low Impact Development) Features.

(i) On-site storm water management features ~~detention facilities~~ must be privately owned and shall be maintained by the community association or property owner. A maintenance schedule shall be submitted to the public works department and approved by the director of public works prior to approval of construction plans. The City of San Antonio will have the right to do periodic inspections of privately owned and maintained detention facilities to ensure that the maintenance schedule is being implemented.

(ii) Where a detention facility accepts flows from public facilities such as city right of ways the detention facility will be considered a detention facility serving a public purpose and will be dedicated to the city upon completion and a drainage easement will be dedicated to provide for access to the facility. When a regional detention facility accepts flow from an area exceeding three hundred (300) acres, the facility shall be considered serving a public purpose and shall be dedicated to the city.

(4) Easement Requirements.

(A). Drainage easements will be required for all stormwater management ~~detention facilities~~ accepting runoff from properties other than the lot on which the facility ~~detention pond~~ exists or will be constructed. Maintenance of the detention facility shall be the responsibility of the property owner or the property owner's association.

(g) Streets

(8) Unflooded Public Road Access.

A. During a design ~~an ultimate development five-year~~ storm event (see "Section 35-504(b)(2) System Criteria") unflooded access (within the "Proceed with Caution" range per figure 504-2) shall be available from each to proposed new development developments to an adjacent public street during a regulatory flood event.

B. Additionally, unflooded access shall be accessible to an arterial street that is not adjacent to the development or to a distance of one-quarter-mile, whichever is less, during a future conditions 20% Annual Chance (5-year) flood event.

C. ~~B.~~ The Director of Public Works may waive criterion B of this requirement for developments under three (3) acres (3 Ac) in size.

(h) Drainage Channels and Watercourses.

(5) Velocity Criteria.

Table 504-8 shall be used to determine maximum permissible channel velocity.

Table 504-8 Velocity Control

1 to 6 (Maximum Average Velocity = 6 fps)	Vegetated Earthen Channel	0-1 1-3 3-5 5-8 8-10 Over 10	0.8 0.9 1.05 1.15 1.225 1.25	5 5.5 6.3 6.9 7.35 7.5
*6 to 12	Turf Reinforcement Mat (TRM)	NA	NA	12
6 to 8	Concrete Retards	NA	NA	NA
> 8	Concrete Lining or Drop Structures	NA	NA	NA

*If Turf Reinforcement Mat (TRM) is proposed, please see City of San Antonio Standard Specifications for Construction Item 554 for submittal requirements. The improvement plan sheets should include the location of placement, details, and manufacturer's installation instructions.

* * * * *

Chapter 35, Article V, Section 35-506 is amended as follows:

35-506 Transportation and Street Design.

* * * * *

(a) Applicability

* * * * *

(3) Variance. A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public health, safety, or welfare. No variance shall be granted that reduces the number of traffic lanes or waives the construction of any traffic lane required by the major thoroughfare plan. Application for a variance shall be submitted in writing to the ~~director of planning and community~~ services director accompanied by the variance fee specified in Appendix "C" to this chapter and an eight and one-half

by eleven (8½; times; 11) inch site plan indicating the location of the variance request and the location of existing sidewalks and curbs within a two thousand-foot radius.

* * * * *

(d) Cross-Section and Construction Standards.

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

<i>Street Type</i>	<i>Marginal Access</i>	<i>Alley</i>	<i>Access to Conservation Subdivision</i>	<i>Local Type A</i>	<i>Local Type B</i>	<i>Collector</i>	<i>Secondary Arterial¹</i>	<i>Primary Arterial²</i>
R.O.W. (min.) ^{1, 2, 8, 10, 11}	36'	24'	34' 34'	50'	60'	70--90'	86--110'	120' ^{11, 12}
Pavement Width ⁸	26'	18--24'	24' ⁷	28'	40'	44--55'	48--81'	48--81'
Design Speed (mph)	30	20	30	30	30--35	40--45	45	45
Grade (max.) ³ ICL	12%	12%	12%	12%	12%	7%	5%	5%
Grade (max.) ³ ETJ	10%	10%	10%	10%	10%	7%	5%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Centerline Radius (min.)	100'	50'	100'	100'	100'	400'	700'	1,200'
Curb	NR	NR	NR	Yes	Yes	Yes	Yes	Yes
Median	NR	NR	NR	NR	NR	NR	16' min.	16' min.
Sidewalk Width (see subsection (q)(5)) ⁵	NR	NR	4/6 ^{8, 10} one side only	4 ^{8, 9}	4 ^{8, 9} /6 ^{9, 10}	4 ^{8, 9} /6 ^{9, 10}	4 ^{8, 9} /6 ^{9, 10}	4 ^{8, 9} /6 ^{9, 10}
Bicycle Facilities ^{5, 6}	NR	NR	NR	NR	NR	Yes ⁵	Yes Path ⁵	Yes Path ⁵
Streetscape Planting	NR	NR	NR	NR	NR	Yes	Yes	Yes
Planting Strips	NR	NR	NR	NR	3' Min.	3' Min.	3' Min	3' Min.

Notes and Rules of Interpretation:

NR designates the item is "not required."

ICL designates inside city limits.

ETJ designates within the extraterritorial jurisdiction Table 506-3 is required for conventional option subdivisions (see section 35-202) or subdivisions not subject to Table 506-4, below, except for access to conservation subdivision (section 35-203).

¹For secondary arterial type B streets the minimum width of right-of-way shall be 70 feet and at intersections with other major arterials on the major thoroughfare plan 86 feet to 110 feet as determined by the director of ~~planning and~~ development services.

²For primary arterial type B streets the minimum width of right-of-way shall be 70 feet and at intersections with other major arterials illustrated on the major thoroughfare plan the right-of way shall be 86 feet to 120 feet subject to the findings of the TIA as determined by the director of planning and development services.

³Refer to 35-506(d)(3) for grades exceeding maximum values specified in the table.

⁴0.4% Optional with concrete curb and gutter.

⁵Bicycle path and sidewalks can be combined. See subsection 35-506(d)(4).

⁶When designated on bicycle master plan as approved by city council.

⁷Entry portion without parking.

⁸~~Right of way and pavement width requirements in established neighborhoods can be waived by the director of planning and development services.~~

⁸⁹In residential areas sidewalks shall be located to provide improved safety, to improve walkway intersection alignment and to reduce sidewalk conflicts with utility poles and mail boxes.

⁹¹⁰Sidewalks shall be four (4) foot in width with a three (3) foot planting strip or six (6) foot in width without a planting strip.

¹⁰¹¹R.O.W. width and construction design of state maintained streets and certain inner-city streets and certain primary arterials (approved by city council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-3 above.

¹¹¹²120 feet is the maximum right-of-way width but may be varied in accordance with the adopted major thoroughfare plan.

Table 506-4

Traditional Street Design Standards

Street Type	Trail	Alley	Lane	Local	Avenue	Main Street	Boulevard	Parkway
R.O.W. (min.)	14'	20'	38'	48'	82'	58'	124'	86'
Pavement Width ¹	8'--14'	10'--12'	16'--18'	22'-- 27'	27'--48'	28'--36'	44'--70'	44'+
Design Speed (mph)	N/A	20	30	30	35	40	45	45
Grade (max.) Grade (min.) ⁴	Follow AASHTO	10% 0.5%	10% 0.5%	10% 0.5%	7% 0.5%	7% 0.5%	5% 0.5%	5% 0.5%
Curb Radius	N/A	15'	15'	15'	25'	25'	25'	25'
Centerline Radius ²	95'	50'	90'	90'	250'	300'	500'	1,000'
Curb	NR	NR	Yes	Yes	Yes	Yes	Yes	NR
Median	NR	NR	NR	NR	16' min.	NR	16' min.	16' min.
Sidewalk Width (see subsection (q)(5)) ⁵	NR	NR	4' ⁷ /6' ⁷	4' ⁷ /6' ⁷	Min. 4' ⁷ /6' ⁷	4' ⁷ /6' ⁷	4' ⁷ /6' ⁷	4' ⁷ /6' ⁷
Bicycle facilities ^{3, 6}	NR	NR	NR	NR	Yes	Yes	Yes	Yes Path
Streetscape Planting	Yes	NR	Yes	Yes	Yes	Yes	Yes	Yes
Planting Strips	NR	NR	6'	6'	6'	City Option	6--11'	7--20'

Notes and Rules of Interpretation:

NR designates the item is "not required."

R.O.W. width and construction design of state maintained streets and certain inner-city streets and certain primary arterials (approved by city council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-4 above.

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

¹See Table 506-4A below. The smaller street width with on-street parking prohibited, or

the larger street width coupled with on-street parking on one (1) or both sides of the street, may be provided if the adjoining buildings are provided with (1) an NFPA 13D fire sprinkler system for Single-Family Dwelling Units, One-Family Attached Dwelling Units, Two-Family (Duplex) Dwelling Units, Two-Family Attached Dwelling Units; (2) an NFPA 13R fire sprinkler system for Multi-Family buildings; or (3) an NFPA 13 fire sprinkler system for Commercial Building.

²Lesser radius can be approved by the director of ~~planning and~~ development services.

³Bike path and sidewalks can be combined. See subsection 35-506(d)(4).

⁴Optional 0.4% with concrete curb and gutter.

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

⁶When designated on bicycle master plan as approved by city council.

⁷Sidewalks shall be four (4) foot in width with a three (3) foot planting strip or six (6) foot in width without a planting strip.

Table 506-4A.1
Enhanced Street Design Standards

	<i>Rural Roadway</i>	<i>Enhanced Secondary Arterial</i>	<i>Enhanced Primary Arterial</i>	<i>Super Arterial Type A</i>	<i>Super Arterial Type B</i>
ROW (min.)	120'	120'- 142'	144'- 166'	200'-250'	200'-250'
Pavement width	24'-36'	48'- 84'	72'- 120'	44'-136'	48'-136'

Design Speed (mph)	40-45	45	45	45-55	45-55
Grade (max) ³	5%	5%	5%	5%	5%
Grade (min.)	0.5%	0.5%	0.5%	0.5%	0.5%
Centerline Radius (min.)	700'	700'	1200'	1200'	1200'
Curb	NR	Yes	Yes	Yes	Yes
Shoulder Width (min.)	8' on each side	NR	NR	10' on each side for outside lanes, 4' on each side for inside lane (without curb)	10' on each side for outside lanes, 4' on each side for inside lane (without curb)
Median Width (min.)	NR	6'-18'	6'-28'	48'	48'
Sidewalk Width, min. (see subsection (q)(5)) ⁵	NR	10'	10'	NR	NR
Bicycle facilities ^{5,6}	NR	Yes	Yes	NR	NR
Streetscape Planting	NR	Yes	Yes	NR	NR
Planting strips width (min.)	NR	4'	4'	NR	NR
Drainage & clear zone	68'-80'	NR	NR	NR	NR

Notes and Rules of Interpretation:

See notes and rules of interpretation for table 506-3

* * * * *

(3) Grade.

- A. Street and alley grades shall conform to the terrain and shall not exceed the values prescribed in Tables 506-3 and 506-4, above. No street or alley grade shall be less than five-tenths of one percent (0.005) or four-tenths of one percent (0.004) if concrete curb and gutter is provided, unless otherwise specified by the ~~director of~~ development services director. The minimum cross-slope of a road shall be two (2) percent and the maximum shall be four (4) percent.

* * * * *

(9) Substandard Existing Streets.

* * * * *

C. Exceptions.

* * * * *

3. Paper Streets. Where subdivisions are adjacent or contiguous to platted rights-of-way and no street exists, (including paper streets) no building permit shall be granted or any utility connected until one-half (½) of the road is constructed adjacent to the proposed development.
4. Minimum Construction Required. Where the roughly proportionate determination (determination study under Section 35-502) has determined that the applicant's development would not generate enough traffic to require mitigation for right-of way dedication or improvements to the

pavement cross section, the provisions of this subsection shall not apply. In such cases, sidewalk ADA standards and a minimum 14-foot clear pavement width within the street for emergency access are required and no building permit shall be issued for properties adjacent to paper streets until Exception 3 listed above is met.

5. CRAG Area. Right-of-way and pavement width requirements in established neighborhoods within the CRAG area may be reduced by the director of development services based on existing encroachments.

* * * * *

(e) **Connectivity**

* * * * *

- (3) **Reservations, Reserves and Reserve Strips Prohibited.** There shall be no reservations, reserves or reserve strips controlling access to land dedicated or intended to be dedicated to public use, nor shall any variance be granted that would allow such a reservation to occur.

* * * * *

(5) Dead-End Streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot(s) within the subdivision, being a maximum of one hundred fifty (150) feet. Stub outs greater than one lot in depth may be allowed with the dedication of a turnaround easement. For adjacent lots greater than one-half (½) acre, a stub street may require a turnaround easement.

A recorded easement may be used to address this provision of future street extensions. It is specifically noted however that such easements are for unique situations where a stub out enters a retail center zoned either "C-2, "C-3" and "D". Such easements on or through properties zoned "L", "I-1" or "I-2" would normally not be conducive to such an easement but could be considered on an individual basis if the best interest of the public and adjoining property be met.

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

- A. The easement shall be approved by the city (development services ~~service~~-director and the city attorney's office) prior to recordation in the Bexar County Deed Records.

* * * * *

(h) Street Names and Signage.

* * * * *

(5) **Street Name Changes.** Requests for street name changes within the city limits shall be submitted to the Development Services Department ~~the city clerk~~. An application processing fee as specified in Appendix "C" shall be paid to the director of ~~planning and~~ development services for each street name change request prior to consideration of the request by the city council. Additionally, an installation fee as specified in Appendix "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.

* * * * *

(k) Traffic Signals

(1) Where a proposed street or driveway intersects a public street at an existing traffic signal, the traffic signal shall be upgraded to accommodate the added traffic approach at the expense of the developer or subdivider. The design and construction of this partial signal installation shall comply with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and City of San Antonio specifications and design requirements.

(2) Where a proposed intersection involves an existing or proposed arterial street, and the intersection could reasonably be expected to warrant a traffic signal within approximately five (5) years, the subdivider shall install that portion of the traffic signal infrastructure that is underground on the proposed street. The design and construction of this partial signal installation shall comply with the TMUTCD and the City of San Antonio specifications and design requirements.

(3) Spacing of Traffic Signals. Minimum one-quarter (1/4) of a mile is recommended. If spacing is less than one-quarter of a mile, an operational analysis must be performed and submitted for review. Corridor signal timings and signal communications equipment may be required as mitigation if analysis indicates operational issues may arise due to closer signal spacing.

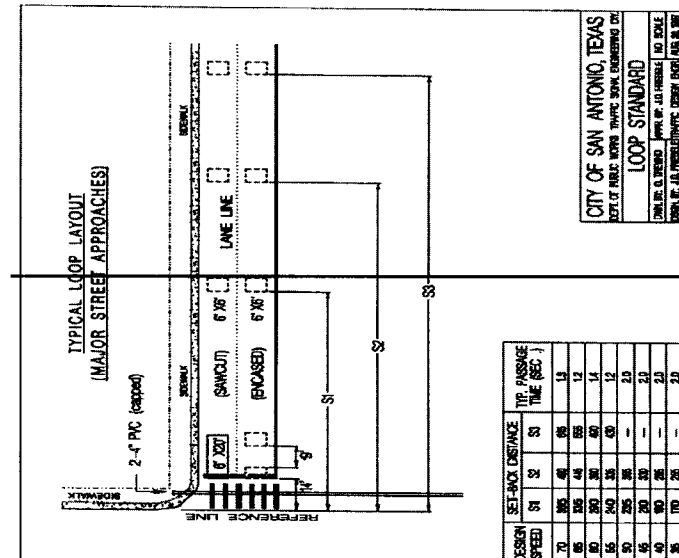


Figure 506-5A.

(q) Sidewalk Standards.

* * * * *

(4) Performance Agreement and Time of Construction. All sidewalks ~~Sidewalks~~ shall be included as part of the performance agreement required by section 35-437 ~~35-438~~ of this chapter with exception to sidewalks along street frontage of lots within the city limits for which building permits will be required. All sidewalks within a subdivision must be completed when ninety-five (95) percent of the lots within the subdivision are built out, excluding lots for which a building permit is pending.

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

* * * * *

(r) Access and Driveways

* * * * *

(6) Driveway Throat or Vehicle Storage Length. For purposes of this subsection, "throat length" means the length of extending from the entry into the site at the property line, to the first ~~left turn~~ conflict or intersection with a parking aisle. Vehicle storage length means the length of a driveway, service lane, bay, or other passageway for motor vehicles which is designed to minimize queuing onto surrounding streets. Throat length

shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat length and vehicle storage length shall not be less than the standards set forth in Table 506-7 unless approved by the director of ~~planning and~~ development services. These measures generally are acceptable for the principal and secondary access to a property and are not intended for ~~secondary~~, minor driveways such as residential driveways serving less than four (4) homes, or a commercial/industrial driveway with less than four hundred (400) ADT, or forty (40) average peak hour volume of vehicles, not located on a major roadway or thoroughfare. The throat length may be reduced to no less than 20 feet measured from the outside of the right of way by the director of ~~planning and~~ development services by administrative exception. Throat lengths of less than 20 feet from the outside of the right of way may be only be approved in accordance with §35-482.

Table 506-7
Minimum Driveway Throat Lengths for Collectors and Arterials*

Land Use	Throat Length or Vehicle Storage Length
Shopping Centers > 200,000 GLA or non-residential developments > 400 PHT per driveway	Throat length two hundred (200) feet or as required by the TIA
Nonresidential development between 200 and 400 PHT per driveway	Throat length seventy-five (75) feet or as required by the TIA
Nonresidential development less than 200 PHT per driveway or other major driveways not otherwise enumerated in this table	Throat length forty-foot minimum
Residential subdivision entryway (Private, gated entries)	Poisson distributed probability model at a ninety-five (95) percent confidence level. In addition, the subdivider shall provide for vehicle turnaround capability based on the single unit design vehicle as provided in the 1990 AASHTO Green Book, or latest revision thereof. The minimum entryway vehicle storage length shall be forty (40) feet measured from the call box to the public right-of-way.
Single-lane drive-in banks	Sufficient to accommodate minimum queue of six (6) vehicles
Drive-in banks with more than one (1) lane	Sufficient to accommodate minimum queue of four (4) vehicles per service lane
Single-lane drive-through car washes	Sufficient to accommodate minimum queue of twelve (12) vehicles
Automatic or self-serve car washes with more than one (1) bay	Vehicle storage of sixty (60) feet per bay
Fast-food restaurants with <u>drive-through</u> drive-in window service	Sufficient to accommodate minimum queue of eight (8) vehicles per service lane
Gasoline service stations with pump islands perpendicular to the pavement edge	Minimum thirty-five (35) feet between pump islands and right-of-way
<u>Dry-cleaning establishments with drive-through window service</u>	<u>Sufficient to accommodate minimum queue of three (3) vehicles</u>

(7) **Spacing and Location on Major Thoroughfares.** This subsection applies to driveway approach spacing and location along or adjacent to major thoroughfares.

- A. Where a traffic impact analysis is required, driveways shall be spaced in such a manner as to avoid reducing the traffic LOS below that established in the section 35-502 traffic impact analysis. A subdivision of land into two (2) or more lots fronting a major thoroughfare may not automatically increase the number of driveway approaches allowed over those allowed prior to the subdivision.
- B. Along either side of any corner commercial or industrial property the driveway approaches shall be located so as to maintain a minimum distance from the corner of the intersecting roadways equal to ninety (90) percent of the length of the property along the roadway upon which the proposed driveway approach is to be located and restricted to a right in/out driveway and can not be located within the limits of the right turn deceleration or acceleration lanes, or one hundred twenty-five (125) feet, whichever distance is less. Corner clearance is measured along the property line from the property line return or flare. The corner clearance may be reduced by the director of ~~planning and~~ development services to allow a driveway for development where a driveway may not otherwise be allowed.

* * * * *

(10) **Driveway Approaches.** Driveway approach materials may be asphalt, concrete or other materials as approved by the ~~director of planning and~~ development services director. Residential driveway approaches materials shall be concrete. Both residential and commercial driveway approaches shall conform to the latest edition of the City of San Antonio Sidewalk and Driveway Design and Construction Guidelines compiled by the Department of Public Works. Commercial two-way driveways and residential driveway approaches may have a width greater than that specified by the guideline if approved by the ~~planning and~~ development services director.

35-506 (s) Gated Subdivision Streets

- (3) **Master Key Security System.** A master key security system shall be provided on all gates. The security system shall include the following for the specified type of gate:

A. Electric Operated Gates:

- (1) ~~A.~~ A gate override in case of power failure; and
- (2) A siren operated sensor in conformance with the “Bexar County Rules for the Regulation of Electric-Operated Gates”; or
- (3) ~~B.~~ Inside the City Limits,
 - (i) a master key provided to the fire department, the school district, and police department; or
 - (ii) ~~C.~~ A a Knox box

B. Non-electric Operated Gates:

- (1) A Knox box.

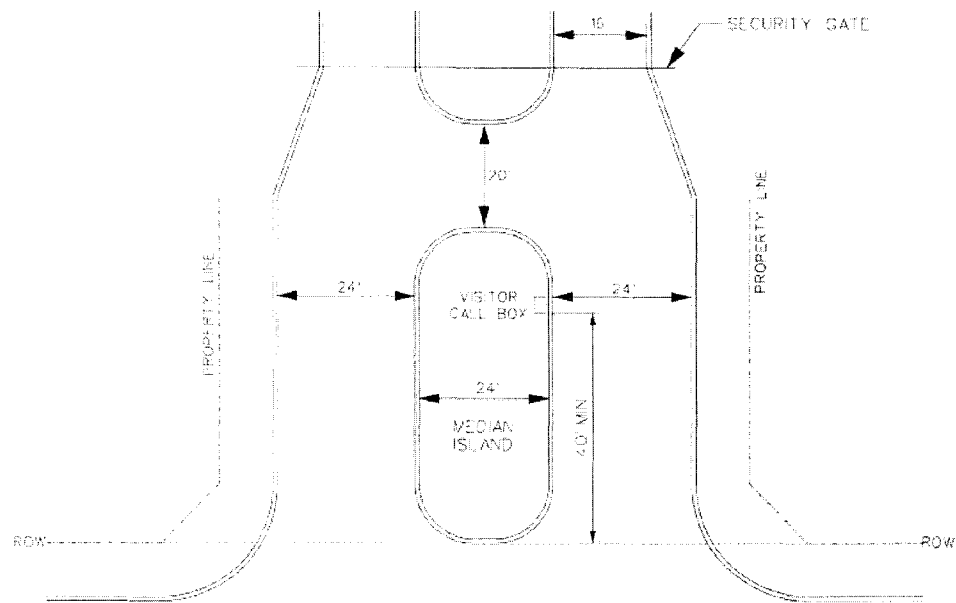
* * * * *

(4) Queuing. At gated entrances where traffic can queue into public streets, the ~~gate gates~~ and ~~entrance entrances~~ design must provide for sufficient storage capacity so that no vehicles will queue into the public street. Queuing at a gated entrance shall be designed as follows:

A. The Poisson distributed probability model shows that no ~~queuing~~ vehicles will queue into the public street with a ninety-five (95) percent confidence level. The minimum entryway vehicle storage length shall be forty (40) feet measured from the call box to the public right-of-way as shown in Figure 506-11. ~~The minimum queue at the entry way shall be forty (40) feet measured from the call box to the public ROW;~~

B. The subdivider shall provide for vehicle turnaround capability based on the single unit design vehicle as provided in the 2004 AASHTO Green Book or latest revision thereof or be able to make a three point turning movement. ~~The entryway, including the paved surface area lying between the public street and the gates, shall include a turning radius of not less than forty (40) feet.~~

Figure 506-11 Gated Entry Requirements



* * * * *

Chapter 35, Article V, Table 510-1 is amended as follows:

35-510. Buffers.

**Table 510-1
Required Bufferyards**

Zoning Districts	Adjoining Zoning Districts											Adjoining Street Classification		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	RP**	RE, R-20**	R-6, R-5, R-4, RM-6, RM-5, RM-4, DR**	MF-25, MF-33**	MF-40, MF-50	NC	O-1, C-1, C-2	O-2, C-3, BP	D	L, I-1	I-2	Major Arterial	Minor Arterial	Collector
(1) RP	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(2) RE, R-20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) R-6, R-5, R-4, Rm-6, RM-5, RM-4, DR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(4) MF-25, MF-33	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	A	N/A	N/A
(5) MF-40, MF-50	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A	N/A	N/A
(6) NC	C	C	B	N/A	N/A	N/A	N/A	N/A	N/A	E	E	B	A	A
(7) O-1, C-1, C-2	C	C*	B	N/A	N/A	A	N/A	N/A	N/A	E	E	B	A	A
(8) O-2, C-3, BP	C	C*	C	C	N/A	A	N/A	N/A	N/A	N/A	D	B	B	A
(9) D	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(10) L, I-1	E	E	D	E	E	E	E	N/A	N/A	N/A	N/A	C	C	B
(11) I-2	F	F	F	F	F	E	E	D	N/A	N/A	N/A	C	C	B

Notes: A, B, C, D, E, F: Bufferyard Type Designations as shown in Table 510-2 below.

N/A: Not applicable—Bufferyard not required.

*Where a use zoned "O-1", "C-1", "C-2" adjoins an existing platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter, a type "D" buffer shall be applied. Where a use zoned "BP", "O-2" or "C-3" adjoins an existing platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter, a type "F" buffer shall be applied.

* **Where a nonresidential use is located in a single-family or multi-family district as indicated in Table 510-1 the required buffer is equivalent to that required of an O-1, C-1, C-2 use (column 7).

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

35-514 Fences

(a) General.

- (1) No fence may be constructed or expanded within the city limits without first obtaining a building permit for such work.
- (2) All fences constructed within the city limits or ETJ shall comply with the clear vision area provisions in section 35-506, Transportation and Street Design, (d) Cross-Section and Construction Standards, 5. Intersection Sight Distance.
- (3) Freestanding walls, not an integral load bearing portion of a structure, whether constructed of masonry or wood framing, shall be considered fencing. Walls connected to a building and designed as a visual and noise barrier between a loading dock or similar use and a residential use, shall not be considered fencing and may extend to a height of sixteen (16) feet and a distance of fifty-five (55)

feet from the building. Walls to be constructed in excess of six (6) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.

(4) All solid screen fences allowed to be constructed in excess of six (6) feet in height shall require certification by a licensed engineer ~~or architect~~ that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code. up to fifty (50) miles per hour.

(5) If the subject property is within a historic district, corridor overlay or a neighborhood conservation district the director of planning and community development services must make a finding of compliance and compatibility with the provisions of the historic, corridor and/or neighborhood conservation district prior to issuance of a building permit for any fence.

(6) All fences shall be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability. The following materials shall not be used for fencing:

a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.

b. Plywood less than five-eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted by right within a governmental facility and through an Administrative Exception of the Development Services Director for private non-residential facilities where all of the following findings of fact are made:

1. The barbed wire, where proposed to be located, will not be capable of inflicting significant physical injury to the general public,

2. The fence proposed with barbed wire is located behind a minimum setback line except where surrounded by established industrial uses,

3. The barbed wire is demonstrated by the applicant as a requirement for facility operations and for secured areas within the facility,

4. The barbed wire conforms with the requirements of §6-2 of the Building Code.

d. Sheet, roll or corrugated metal.

(7) Variances to this section shall be in accordance with §35-482.

(8) Retaining walls shall not be considered a fence however shall conform to the following requirements:

- a. Retaining walls on private property shall be in conformance with the International Building Code.
- b. Retaining walls along or within public rights-of-way shall be in conformance with the International Building Code, Article IX of Chapter 6 of the City Code and where greater than three feet in height shall include plans designed, signed and sealed by a licensed engineer.

(b) Fencing Alternatives.

(1) Sport Court Fencing. Fencing, screening and/or back stops for sport courts such as basketball, tennis, batters cages etc. shall be constructed only in the rear yard and shall be located no closer than twenty (20) feet to a side or rear property line of an adjacent single-family use or residential zoning district and/or a public or private street. The maximum height for sport court fencing shall be in accordance with §6-2 of the Building Code.

(2) Large Lot Fencing. Predominantly open ~~Open~~ fencing at a maximum height of six (6) feet may be permitted in the front yard of lots within "FR", "RD", "RE" and "R-20" single-family zoning districts by right and on all other single-family zoned lots by special exception pursuant to §35-399.04. Whether permitted by right or special exception each of the following conditions must be met to construct a six-foot fence in the front yard:

- A. The lot is equal to or greater than twenty thousand (20,000) square feet in size;
- B. The primary building is located at least forty (40) feet from the front property line; and
- C. The lot has at least one hundred (100) feet of street frontage.

(3) Fencing of vacant lots or parking lots. An predominantly open fence not exceeding a height of six (6) feet ~~in the front yard~~ may be constructed on a vacant lot or parking lot. However, at such time that a house or structure is constructed on the lot, that portion of the fence constructed in the front yard ~~of the house or structure~~ shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence and four (4) feet in height for an predominantly open fence unless said lot and fence meet the criteria of (2)A., B. and C. above.

(4) ~~(3)~~ Ornamental-Iron Fences. Ornamental fencing in front yards (see 35-399.04).

(c) Fence Design.

(1) No fence or portion thereof, shall exceed one hundred (100) horizontal feet in length unless one (1) of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- A. A column or pillar; or
- B. Articulation of the surface plane by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.

(2) ~~The~~ provisions of subsection (1) above shall not apply to a fence constructed of brick, masonry, or iron fencing which consists of at least fifty (50) percent

open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight (8) feet apart.

(3). Fences used to display a message shall comply with Chapter 28, "Signs and Billboards."

(d) Height Limitation

(1) Except for the provisions in section (b) above no fence constructed shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in section (d)(2). The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:

- A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or
- B. The retaining wall is abutting a drainage easement or drainage infrastructure.

TABLE OF HEIGHTS
Maximum Permitted Fence Heights(3)

Permitted Use or Base Zoning District	Front Yard	Side Yard	Rear Yard
Single-Family Use Or Residential Zoning Districts	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u> <u>Except as provided</u> <u>by(b)(2) above</u>	6'0"	6'0"
Multi-Family Use (<u>see also subsection (f) below</u>) Or Multi-Family Zoning Districts	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>	6'0"	6'0"

Commercial & Office Use Or Commercial & Office Zoning Districts	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>	6'0"	6'0"
Industrial Use (1) ,(2) Or Industrial Zoning Districts	8'0" (1),(2)	8'0" (1),(2)	8'0" (1),(2)
<u>Base Zoning & Flex Districts</u> <u>Parking lots, Vacant lots, Churches, Schools,</u> <u>Swimming Pools, Stormwater Management</u> <u>Facilities,</u> & Parks (Public property, including parks, require HDRC review)	6'0"	6'0"	6'0"
UD Single-Family--	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>--	6'0"--	6'0"--
UD Multi-Family 15 & 33--	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>--	6'0"--	6'0"--
UD Commercial--	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>--	6'0"--	6'0"--
RD Single-Family--	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>--	6'0"--	6'0"--
RD Commercial--	3'0" solid fence 4'0" <u>predominantly</u> open <u>fence</u>--	6'0"--	6'0"--
FR Single-Family--	6'0"--	6'0"--	6'0"--
FR AG Commercial--	6'0"--	6'0"--	6'0"--
MI-1 & 2 (1),(2)-	8'0" (1),(2)-	8'0" (1),(2)-	8'0" (1),(2)-
MI-1 <u>or</u> MI-2 Village Center	Allowed only by Specific use <u>authorization permit</u>	6'0"	6'0"
MI-2 Village Center--	Allowed only by Specific use permit--	6'0"--	6'0"--

Footnotes:

(1) This subsection shall not apply to fences erected as required by Chapter 16, Article VII of the Code (Salvage Yards and Auto Dismantlers), or in § 35-510,

Buffers, of this chapter. Buffer fences shall be limited in height in accordance with §6-2 of the Building Code.

~~(2) In L, I-1, I-2, MI-1 & MI-2 industrial districts, fronting or adjacent to commercial uses and/or zoning districts, the maximum permitted fence height shall not exceed that of the permitted fence height in the adjacent non-industrial zoning district or use.~~

~~(3) Shall not apply to perimeter fencing of a subdivision.~~

(2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:

~~A. The fence adjoins a perimeter street of the subdivision; or~~

~~BA.~~ The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or

~~CB.~~ The fence is erected along ~~abuts~~ a side or rear lot line which adjoins a collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision; or

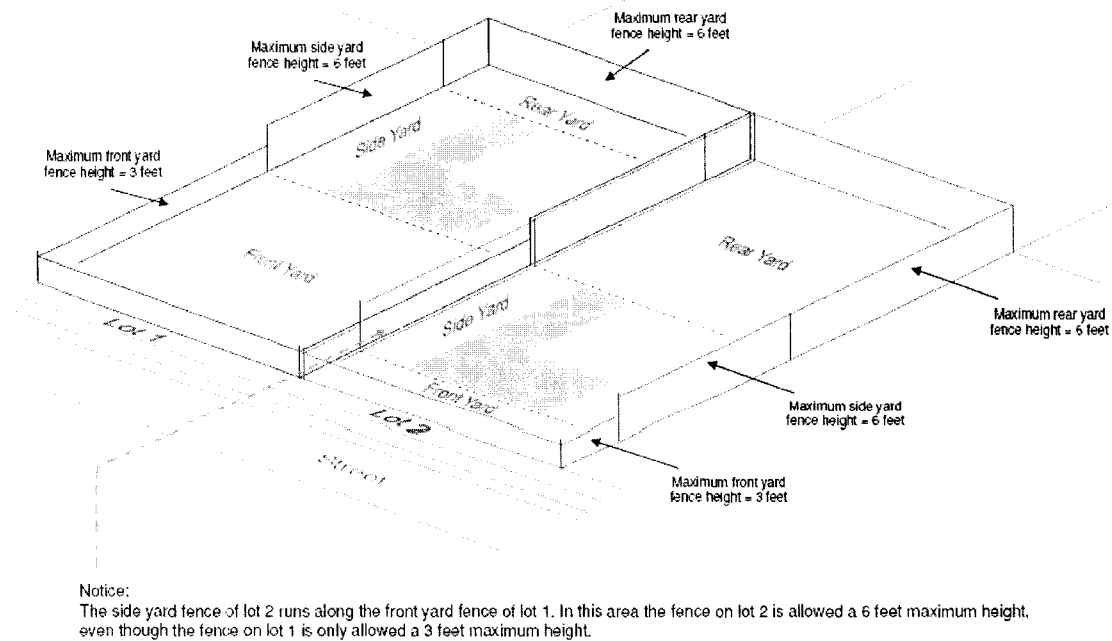
~~DC.~~ The fence is a sound barrier or fence required by TXDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or

~~ED.~~ The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization permit; or

~~FE.~~ The fence is located on a side or rear residential lot line which abuts a "C-2", "C-3" or more intensive use that does not require a buffer yard.

(3) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure, such as fencing for outdoor display, for example an outdoor garden area, or lumber yard attached to a home improvement store.

(4) The following illustration shall be used to determine applicable front, side and rear fence standards:



(e) Fencing Requirements For Uses Adjoining Single Family Certain Residential Uses Zoning Districts.

- (1) All property zoned for nonresidential or multi-family residential uses including residential districts with conditional uses or specific use authorizations for non-residential uses, excluding property located within the mixed-use district "MXD" or infill development zone "IDZ", shall erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use ~~or a more restrictive single-family residential zoning district~~.
- (2) As a minimum, the fencing shall consist of solid screen ~~wood~~ materials and shall be six (6) feet in height except where a lower height is required by subsection (d) above. The fencing shall be required to be constructed and finished prior to obtaining the first certificate of occupancy for the newly zoned property.
- (3) With the zoning applicant's consent, the city council may modify or exempt the requirements of (e)(1) ~~residential protection fencing requirement~~ or approve alternative screening measures, such as landscaped buffer yards, when considering a change in zoning, including conditional use and specific use authorization cases.
- (4) The fencing requirements of section 35-514 shall apply in zoning cases initiated by the City of San Antonio unless a statement specifically exempting the property from the fence provisions is included in the ordinance approving the zoning.

(f) Multi-family dwellings~~Apartment complexes~~ Multi-family dwellings consisting of twenty-five (25) or more units may erect fences higher than permitted in subsection (d) within the front yard in accordance with the following criteria:

- (1) Fencing shall be limited to a maximum height of six (6) feet and shall be constructed of wrought iron or similar material with a minimum spacing of three (3) inches between vertical bars.
- (2) Solid screen fencing may be erected within the front yard along side property lines if a three-foot landscape area is provided and maintained outside the fence if it abuts a more restrictive zoning district. The landscape area shall contain a minimum of five (5) shrubs per twenty-five (25) linear feet and shall include ground cover.
- (3) All requests for fencing in accordance with this subsection shall be reviewed by the fire and public works departments for accessibility of fire equipment and maintenance of clear vision areas.

(g) Residential Subdivision Perimeter Fencing.

(1) Legislative Findings and Purpose. The city council finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of a subdivision's perimeter fences in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

(2) Applicability. The requirements of this subsection apply only to fences located along the perimeter of a tract or; parcel ~~or subdivision~~ subject to an application for subdivision plat approval which adjoins a collector or arterial street or a platted multiple lot residential subdivision that adjoins a collector or arterial street.

(3) Standards.

~~A. A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material which are similar in durability.~~

~~B. The following materials shall not be used for fencing subject to this subsection:~~

- ~~1. Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.~~
- ~~2. Plywood less than five eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.~~
- ~~3. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.~~
- ~~4. Sheet, roll or corrugated metal.~~

~~A. C.~~ A fence constructed of wooden boards shall include at least one (1) of the following architectural or landscaping elements for every fifty (50) lineal feet:

* * * * *

- B. D. All fences shall be maintained by a homeowners association established consistent with the requirements of subsection 35-503(f)(2), above, so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.

Chapter 35, Article VII, Section 35-515 is amended as follows:

35-515. Lot Layout Regulations

* * * * *

(c) Lots.

* * * * *

(5) Access. Vehicular access to nonresidential uses must be by public street, private street, or an irrevocable ingress/egress easement as specified under section 35-515(c)(4) and shall not utilize any property that is zoned single-family residential. However, pedestrian access may be provided by means of a dedicated easement or access way to promote pedestrian circulation on residentially zoned property and/or by means of a public or private street.

* * * * *

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

- (1) Driveways and other impervious surfaces shall not comprise more than the percentage of the front yard as specified in column (B) for the use patterns or zoning districts designated in column (A). Driveway entrances shall not comprise more than the percentage of the front lot line as designated in column (B). Parking may be provided in the rear yard, and access may be provided through alleys, where the front yard is insufficient to accommodate a driveway. Table 515-1 shall not apply to property zoned PUD.

Table 515-1

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

* * * * *

- (4) Driveways for single family detached residential lots (R-4, R-5, R-6, and R-20), not fronting a collector or major thoroughfare, may be allowed two driveways, not to exceed the impervious cover standards of Table 515-1, where the lot frontage is sixty (60) feet or greater.

* * * * *

Chapter 35, Article V, Section 35-516 is amended as follows:

35-516. Setback and Frontage Regulations.

* * * * *

(g) **Garages and Carports.** There shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and any garage entry accessed from a street right of way. ~~a front entry garage.~~ The garage setback requirement for garages accessed from an alley shall be in accordance with §35-370. Carports may be erected behind the minimum front setback required in the applicable zoning district, so long as twenty (20) feet of total parking area depth is maintained within the lot.

* * * * *

(i) **Reversed Corner Lots.** On reversed corner lots in all single-family residential zoning districts and on lots with single-family residential uses within the city and single-family subdivisions in the city's ETJ ~~except planned unit developments (PUDs),~~ the side setback adjacent to the street shall be at least equal to the front setback required for the lot immediately adjacent to the rear. The provisions of this subsection shall not apply to Planned Unit Developments (PUDs).

* * * * *

Chapter 35, Article V, Section 35-517 is amended as follows:

35-517 Building Height Regulations

* * * * *

(d) Setbacks for Height Increases.

- (1) Any portion of a structure in any zoning district may be erected to exceed the height limit established in section 35-310.01, Table 310-1, provided that such portion is located back from the side and rear setback lines one (1) foot for each two-foot of height in excess of the height limit prescribed in such

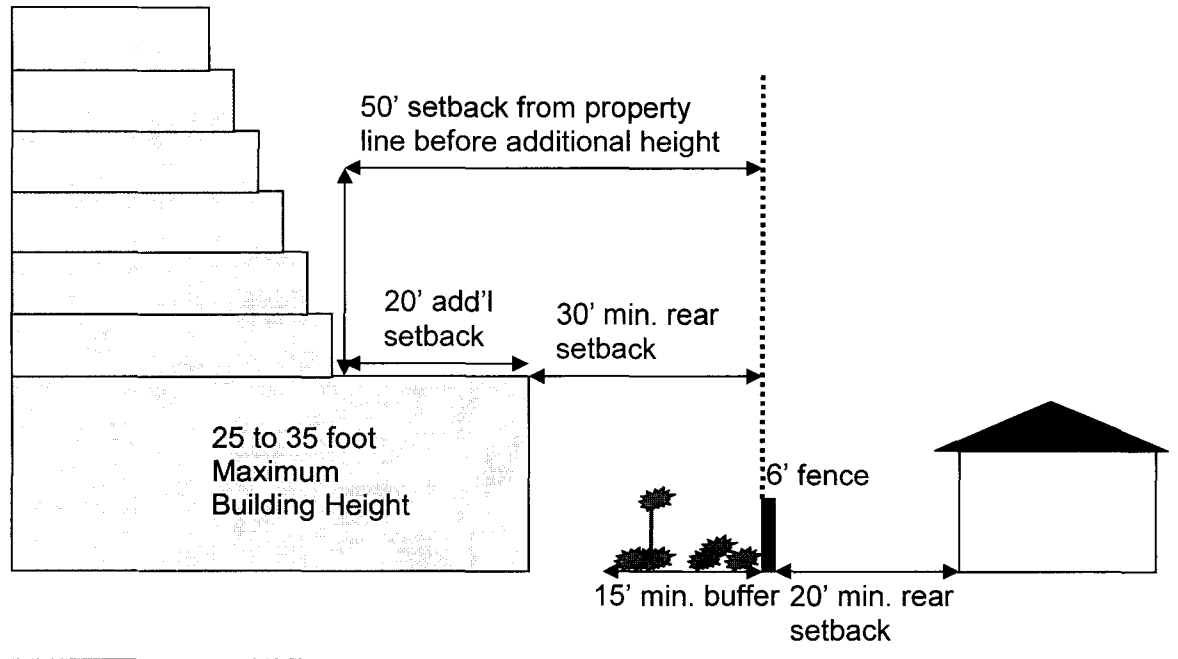
section ~~unless otherwise or~~ as prescribed in subsections (2) and (3), below ~~or through a specific use authorization (hereinafter the “threshold height”)~~, and further provided the height does not exceed the limitations of the airport hazard zoning regulations. Distance credits shall be allowed for space occupied by structures of conforming height extending from the setback lines, except as specified in Table 310-1(k). The requirements of subsection (2) and (3) shall only apply to permits for new construction submitted after December 31, 2010.

- (2) The maximum height of any portion of a commercial, office or multi-family zoning district located within fifty linear (50) feet of the property line of an established single-family residential use shall be limited to the maximum height of the single-family district. The height limit shall not apply where a property is zoned single family residential but not used for residential purposes, such as a church, school, park or golf course. The measurement of 50 feet shall occur from the property line of the residential use to the structure in the zoning district subject to this subsection.
- ~~(2) The provisions of subsection (1) above, shall not apply to an “NC”, “C-1”, “C-2”, or “O-1” zoning district abutting or within one hundred (100) feet, measured in a straight line, of a platted subdivision zoned “RE” or “R-20” as of the effective date of this chapter.~~

For example, where a C-2 zoned property abuts single family property with R-5 zoning, the C-2 property shall be limited in height to 35 feet or 2 ½ stories for that portion of the property within 50 feet of the property line with the R-5 district.

- (3) For portions of a zoning district subject to the height limit of subsection (2) the maximum height limit may be exceeded through the specific use authorization (“S”) process.

Illustration based on rear setback example:



Chapter 35, Article V, Section 35-521 is amended as follows:

35-521. Edwards Aquifer Recharge Protection.

(f) Site Investigation Report.

- (1) The staff recommendation on all zoning/rezoning cases within the ERZD shall include a report from the San Antonio Water System Resource Protection and Compliance Department. The report shall contain a background description to include a discussion of the development, surrounding uses, geologic factors, on-site point and non-point pollution sources, sewer lines, proposed pollution abatement structures, and whether a water pollution abatement plan has been submitted.
- (2) The report shall also contain a summation of facts and implications on the recharge zone; recommendation on zoning, pollution abatement plan needs, and monitoring requirements; and maps of the development and surrounding developments.
- (3) **Exceptions.** A report shall not be required for rezoning cases initiated by the City of San Antonio, however the San Antonio Water Systems may prepare an optional report at no cost to the City.

- (g) **Water Pollution Abatement Plan.** As a condition of all zonings/rezonings within the ERZD, a water pollution abatement plan approved by the TCEQ ~~TQEC~~ shall be required for all regulated development as established and defined by Texas Administrative Code, 31 TAC 213, prior to the issuance of a building permit and/or certificate of occupancy.

* * * * *

Chapter 35, Article V, Section 35-523 is amended as follows:

35-523 Tree Preservation.

* * * * *

- (n) **Variance Procedure.**

* * * * *

- (5) **Planning Commission.**

* * * * *

- B. A decision of the planning commission shall be appealable to the city council for final action by filing a notice of final appeal with the office of the city clerk no later than the tenth working day following the party's receipt of the written decision of the planning commission. A true and correct copy of the notice of final- appeal must also be filed with the office of the director of ~~planning and~~ development services. The Director of Development Services ~~city clerk~~ shall schedule the hearing of final appeal at the next available regularly scheduled meeting of the city council which will allow compliance with the requirements of the Texas Open Meetings Act.

* * * * *

Chapter 35, Article V, Section 35-525 is amended as follows:

35-525. Outdoor Storage Standards.

- (a) **Applicability.** The provisions of this section apply to the keeping, in an unroofed area, any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours, where outside storage is permitted as a use in Table 311-2, Non-residential Use Matrix or in the definition of the use in Appendix A. For purposes of this section, outdoor storage is divided into the following categories:
- (1) Class 1 Storage.

- ~~The storage of passenger vehicles incidental to a residential use.~~
- The ~~incidental~~ storage of materials directly related to a ~~on~~ construction site sites.

* * * * *

Chapter 35, Article V, Section 35-526 is amended as follows:

35-526 Parking & Loading Standards

STATEMENT OF PURPOSE

The purpose of this section is to prescribe minimum off-street parking and loading design standards for all developments. Lack of adequate parking can result in motorists parking in adjacent neighborhoods or business areas. This in turn can affect the perceived livability of the neighborhood and reduce the ability of business to accommodate customers. Circulation to find parking can increase which adds unnecessary vehicle trips on the surrounding street network, increasing the length of time and distance a vehicle is operated. Lack of adequate off-street loading areas can result in drivers unsafely loading/unloading large vehicles in a travel lane, which exposes the driver to moving traffic and reduces the capacity of the roadway while the vehicle is being loaded/unloaded.

This section implements the following provisions of the master plan:

* * * * *

(b) Table of Off-Street Parking Requirements

* * * * *

- (9) Bicycle spaces shall be provided in the "D" downtown zoning district and all "IDZ" infill development districts at a minimum rate equal to twenty-five (25) percent of the minimum required vehicle spaces for the proposed use as if the proposed use were in a non-residential zoning district requiring minimum off-street parking. ~~a given in a "C-3" or "O-2" zoning district~~ Bicycle spaces shall include bicycle racks or bicycle lockers which shall not obstruct pedestrian traffic in accordance with subsection (l).
- (10) Multi-family recycling facilities. The minimum parking requirement may be reduced in order to provide adequate space for a recycling facility in accordance with Chapter 14 of the City Code. In such cases the Recycling Facility shall be screened in accordance with §35-511 (c).

* * * * *

TABLE 526-3b Parking in Nonresidential Use Districts

	PERMITTED USE	Minimum Vehicle Spaces	Maximum Vehicle Spaces
INDUST	PRINTER – large scale	1 per 1,500 sf GFA	1 per 300 sf GFA

MANF.	BULK PLANT or TERMINAL (Includes Bulk Storage of Petro Chemicals)	N/A	N/A
MANF.	PIPE STORAGE	1 per 600 sf GFA	1 per 350 sf GFA

OFFICE	AERIAL SURVEY – Administrative offices no on-site flight services	1 per 1,000 sf GFA	1 per 200 sf GFA
OFFICE	OFFICE	1 per 300 sf GFA	1 per 140 sf GFA
OFFICE	OFFICE – less than 3,000 sq. ft. and less than 35 ft. in height	1 per 300 sf GFA	1 per 140 sf GFA

PLANTS	FLORIST – wholesale	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building
PLANTS	LANDSCAPING MATERIALS – sales and storage	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building
PLANTS	NURSERY – plant wholesale onsite growing permitted	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building

PRINT	Printer – large scale other than quick print	1 per 1,500 sf GFA	1 per 300 sf GFA

RETAIL	LANDSCAPING MATERIALS - sales and storage	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building

SERVICE	COPY OR BLUEPRINTING – Example “Quick Print”	1 per 300 sf GFA	1 per 200 sf GFA
SERVICE	FOOD – FAST FOOD WITH DRIVE THROUGH LANE(S)	1 per 150 sf GFA	1 per 40 sf GFA
SERVICE	MEDICAL – optician	1 per 400 sf GFA	1 per 100 sf GFA
SERVICE	MINI WAREHOUSE – over 2.5 AC. requires specific use permit in “C3” and “D”	4 spaces plus 2 for manager's quarters	N/A
SERVICE	NURSING FACILITY	0.3 per bed	1 per bed
SERVICE	PROFESSIONAL OFFICE	1 per 300 sf GFA	1 per 140 sf GFA

STORAGE	COLD STORAGE PLANT	1 per 600 sf GFA	1 per 350 sf GFA
STORAGE	PIPE STORAGE	1 per 600 sf GFA	1 per 350 sf GFA
STORAGE	SELF-SERVICE STORAGE	4 spaces plus 2 for manager's quarters	N/A

WHOLESALE	FLORIST	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building
WHOLESALE	NURSERY - plant wholesale onsite growing permitted	1 per 500 sf GFA of sales and service building	1 per 375 sf GFA of sales and service building

* * * * *

(f) **Construction and Maintenance.** Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

* * * * *

(8) Vehicle Barrier Requirements. In order to minimize damage to errant vehicles and their occupants, vehicle barrier systems not less than 2 feet 9 inches high shall be placed at the end of parking spaces and along driveways leading to or from surface parking lots where the slope drop off from the end of the parking space or driveway edge meets all of the following conditions:

A. Distance to the edge of the drop off is 7 ft or less.

B. The drop off depth exceeds 2 ft.

C. The slope is steeper than 1:1.

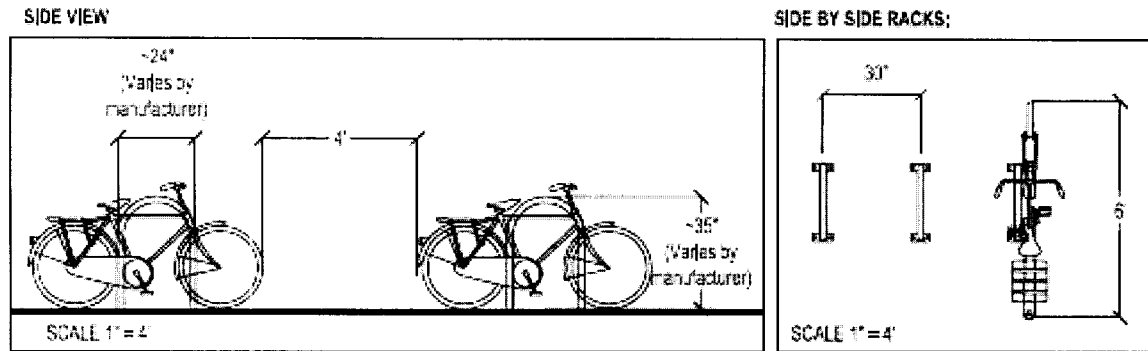
Where the slope is between 1:1 and 1:3, then a concrete wheel stop or 6 inch high concrete curb will be required at the end of the parking space or along the driveway edge.

(9) Vehicle Barrier Design: Vehicle barrier systems shall be designed to resist a single load of 6,000 pounds applied horizontally in any direction to the barrier system.

* * * * *

(I) **Bicycle Spaces.** Where bicycle spaces are required by ~~§35-526(b)-Table 526-3, bicycle racks or lockers~~ the spaces shall be located within fifty (50) feet of a building the primary entrance. The spaces shall not be located behind any wall, shrubbery, or other visual obstruction lying between the principal building and the bicycle spaces. The placement of bicycle racks or lockers should minimize conflicts with both pedestrians and motorized traffic. All bicycle parking provided should be set in concrete or flange mounted on concrete, and located a minimum of twenty-four inches (24") from a parallel wall, and thirty inches (30") from a perpendicular wall as measured to the closest bicycle rack.

Bicycle spaces may be provided through bicycle lockers spaces or bicycle storage racks. Bicycle spaces shall be at least two (2) feet ~~six (6) inches~~ in width and six (6) feet in length and shall be identified with MUTCD compliant (D4-3) signs advising persons of the location.~~separately marked.~~ Where each parallel bicycle rack is spaced at least thirty inches (30") apart said racks shall be counted as providing two bicycle parking spaces (one on each side of the rack) provided there is at least four (4) feet between each bicycle space where arranged in linear fashion.



The recommended bicycle rack design is an inverted U however; other bicycle security devices may be approved for use as long as they provide for:

1. Supporting the bicycle frame at two locations (not just a wheel);
2. Allowing both the frame and at least one wheel to be locked to the rack (without requiring that the lock be placed near the bicycle chain);
3. Allowing the use of either a cable or “U-type” lock; and
4. Bicycles that are equipped with water bottle cages.

* * * * *

~~(m) Maximum Requirements In Edwards Recharge Zone District (ERZD).~~

- ~~(1) Generally. Unless as provided for in subsection (2) below, the maximum ratio of off-street parking for uses located within the ERZD shall be seven (7) parking spaces for each one thousand (1,000) square feet of gross floor area (7/10 of one (1) space per one hundred (100) square feet) for any use.~~
- ~~(2) Exception. In the event that the minimum off-street parking requirements under this subdivision require more than seven (7) parking spaces for each one thousand (1,000) square feet of gross floor area for a use which is located within the ERZD, such minimum requirements shall be complied with, but may not be exceeded.~~

Chapter 35, Article VI, Section 35-605 is amended as follows:

35-605. Designation Process for Historic Districts.

* * * * *

(b) Processing Applications for Designation of Historic Districts.

* * * * *

(3) Decision. Provided that at least 90 days have passed since the public meeting and the historic preservation officer has not received written opposition from at least 51 % of the property owners in the proposed designated area, the historic preservation officer shall forward the application to the historic and design review commission for a hearing and recommendation. The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing prior to the historic and design review commission hearing on the historic district designation. The historic and design review commission shall make its recommendation for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be submitted to the zoning commission with the historic and design review commission recommendation. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating as historic, or removing the designation of historic, the Historic Preservation Officer ~~city clerk~~ shall send notice of the fact by mail to the owner or owners of affected property.

* * * * *

Chapter 35, Article VI, Section 35-612 is amended and re-numbered as follows:

Sec. 35-612. Signs and Billboards.

The intent of this section is to regulate all exterior signs and permanent interior window signs placed for exterior observance; to establish limitations on signs to ensure that they are appropriate to the neighborhood, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area; to ensure that signs are compatible with their surroundings; to maintain and enhance the aesthetic environment of the City of San Antonio; to improve pedestrian and traffic safety; to minimize the possible adverse affect of signs on nearby public and private property; to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance; and to enable the fair and consistent enforcement of these sign regulations. In an effort to promote both historic preservation and environmental awareness, applicants are encouraged to submit ideas to the office of historic preservation regarding environmentally friendly options that relate to signage proposals.

(a) General Provisions.

(1) All signage within a historic district or on a designated historic landmark shall conform to all city codes and must have approval of the historic preservation officer ~~historic and design review commission~~ prior

to installation. Permits must be obtained following ~~the historic and design review commission's approval~~ issuance of a certificate of appropriateness application and recommendation to the office of historic preservation. No sign shall be painted, constructed, erected, remodeled, refaced, relocated, expanded or otherwise altered until it has been approved and a permit has been obtained from the development services department in accordance with the provisions of this chapter and Chapter 28.

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

(3) All signage within a RIO district shall conform to the requirements of section 35-678 and 35-681 as applicable.

(4) For signs with changeable message panels, the changeable message area of the sign shall not exceed 25 percent of the total sign area, except for gasoline price signs which shall not exceed 75 percent of the total sign area. Electronic changeable message boards shall be prohibited.

(5) The name of a business, or information pertaining to a business, may be changed through the administrative approval process if the sign conforms to the provisions of this section, and if the color, size, and style of lettering, and illumination of the sign remain the same.

(6) Provisions under this section shall comply with Chapter 28 of the City Code of San Antonio, Texas. In cases where provisions under this section are stricter, or a sign is designated as a contributing structure, then this section shall control.

(7) Special consideration should be given to the character of the sign itself proposed in the application, and whether the proposed sign has inherently historic characteristics which may fall outside of the guidelines presented below but which would contribute to the historic district, landmark or area for which it is being proposed. Additionally, when reviewing applications for signage the historic preservation officer and the historic and design review commission shall consider the visual impact on nearby historic resources.

(8) Memorials, markers, naming rights of public property and recognition of charitable donations given to the City of San Antonio shall be additionally governed by any formal action passed by City Council.

(b) Sign Definitions.

(1) *Sign* means any object, device, display, structure, description, figure, painting, drawing, message, plaque, placard, poster, or thing or any part thereof, situated outdoors or indoors, that is designed or used to advertise, inform, identify, display, direct, or attract attention to anything by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The foregoing enumeration of signs shall not be considered to be exclusive. The term "sign" shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. The following types of signs are more specifically defined:

A. *Banner sign* means a sign made of fabric or any non rigid material with no enclosing framework.

B. *Building-mounted sign* means a sign attached to, painted on, inscribed upon or deriving its major support from a building, including a wall sign, a projecting sign or an awning sign. For the purposes of this chapter, a sign attached to or painted on a gasoline pump island canopy shall be considered a building-mounted sign. For the purposes of this chapter, permanent signs painted on windows or doors, attached to windows or doors, or hung behind and within three feet of the windows or doors, either illuminated or non-illuminated, shall be considered a building mounted sign subject to the sign area regulations contained in this chapter.

C. *Directory sign* means a subsidiary sign listing the names, uses and/or location of various businesses conducted within a building or group of buildings.

D. *Freestanding sign* means a sign, supported by one or more columns, uprights or braces, in or upon the ground, but not attached to any building. A sign attached to a flat surface not a part of the building, such as a fence or wall, shall be considered a freestanding sign. A monument sign, as defined below, shall also be considered a freestanding sign. For the purposes of this chapter, a freestanding sign listing two or more businesses located on a property or in a shopping center, and which is designed as one sign, shall be considered one freestanding sign.

E. *Monument sign* means a ground mounted sign mounted on a contiguous base having at least 90 percent of the sign width and its supporting structure, and not attached to any building. For the purposes of this chapter, a monument sign listing two or more businesses located on a property or in a shopping center, and which is designed as one sign, shall be considered one monument sign.

F. *Portable sign* means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" shall mean any portable sign which does not have any electrical

components. Non-vehicular signs of this type may also be referred to as "A-frame signs."

G. *Projecting sign* means a building mounted sign. The sign may be attached to the building wall, or a column no more than 6 feet in height (may also be referred to as a projecting arm sign).

H. *Temporary sign* means a sign, banner, pennant, poster, or advertising display constructed of cloth, plastic sheet, cardboard, wallboard, or other like materials, not for display for a period longer than 90 days and not permanently attached to a building or the ground.

I. *Wall sign* means a building mounted sign attached to, painted on, inscribed upon, or deriving its major support from a wall, and which projects less than 12 inches from the wall.

J. *Sandwich board* means a sign of A-frame construction designed for placement on the sidewalk near or in front of the place of business being advertised, and which shall be no larger than two feet wide, and 3 feet tall when extended.

K. *Real estate sign* means a sign intended to advertise the financing, development, sale, transfer, lease, exchange, or rental of real property on which the property is located.

L. *Window Sign* means any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. A window sign does not include merchandise or models of products or services incorporated in window display.

M. *Interior Signage* means a sign hung within ten (10) feet of an exterior fenestration, or a sign intended to be read by exterior patrons outside of a building.

(2) *General maintenance* means as it regards on-premises signs, shall be defined as repair or replacement of existing parts with like items, such as lamps, lamp sockets, neon tubing, ballasts, motors, pulleys, bearings, plastic faces, refacing, painting, and miscellaneous bolts, screws or rivets. However, it shall not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.

(c) (p) 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 a historic landmark or located in a historic district, review the historic and design review commission shall be guided by the following standards in addition to any specific design guidelines approved by city council ~~included within this subdivision.~~

- (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 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 historic and design review commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from historic and design review commission approval. Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.
- (3) 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 that are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the historic and design review commission. The historic and design review commission shall be guided by the building's proportion and scale when such elements are incorporated. 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 (1) business, the historic and design review commission may recommend directory signage. In the cases of signs with more than one (1) 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 historic and design review commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from historic and design review commission 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 or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the historic and design review commission. The historic and design review commission shall be guided by the building's proportion and scale when such elements are incorporated.~~

- ~~(4)~~ (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 or other translucent material or with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting may ~~shall~~ be permitted when used as an integral architectural element or artwork appropriate to the site. For purposes of this subsection, "glare" shall mean an illumination level of at least six (6) Lux at the property boundary. If internal illumination is used, it should be designed to be subordinate to the overall building composition.

- ~~(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 article as well as all other pertinent city codes and ordinances.

(d) (b) Proportion of Signs. For all signage, ~~signage~~ width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs should respect and respond to the character and/or period of the area in which they are being placed.

(e) (e) Number and Size of Signs.

- (1) ~~For buildings housing one (1) business or service, one (1) major sign and (2) minor signs per facade with a public entrance to that business shall be permitted in historic districts and on designated historic landmarks. A facade shall be considered the entire area of a building elevation extending from the roof or parapet to the ground and from one corner of the building to another including the entire building walls, recessed, wall faces, parapets, fascia,~~

~~windows, doors, canopy, and all other components that make one (1) complete architectural elevation.~~

- (1) ~~(2)~~ **Number and Size.** ~~For buildings housing more than one (1) business or service, the~~ The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. ~~No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.~~ Applicants may apply for up to three signs total, with total signage per façade no bigger than 20 percent of the proposed façade it will be placed upon. Total signage for all applicants shall not exceed fifty (50) square feet unless the historic and design review commission recommends additional signs and/or total footage. Notwithstanding the above, signs may not exceed the maximum size and height limitation for signage contained in Chapter 28, Article 9. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or their his agent develop a master signage plan or signage guidelines for the total building or property. If a property has an approved master signage plan on file with the office of historic preservation, applications for signage may be approved administratively at the discretion of the historic preservation officer provided that they comply with such master signage plan. This provision does not apply to districts and landmarks in River Improvement Overlay (RIO) districts, which shall be guided by 35-678 and 35-681 respectively.
- (3) ~~For buildings located in a historic district and for all designated landmarks, the total area of signage shall not exceed thirty six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.~~
- (4) ~~For all buildings in a historic district and for all designated landmarks, signs are allowed only for those occupancies that have a separate and distinct public entrance. Signs are allowed only on those building facades (as described in subsection 35-612(e)(1) with a public entrance to the business. Total signage allowances are per facade (as described in subsection 35-612(e)(10)) only.~~

~~Signage allowances cannot be transferred from one facade (as described in subsection 35-612(e)(1)) to another.~~

(2) (5) Sign Area. The sign area shall be determined in the following manner:

- A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure including all letters, figures, graphics or other elements of the sign, together with the framework or background of the sign. The supporting framework of the sign shall not be included in determining sign area unless such supporting framework forms an integral part of the sign display, as determined by the historic preservation officer. If the sign is located on a decorative fence or wall, when such fence or wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display itself, the fence or wall shall not be included in the computation of the sign area. In the cases of signs with more than one (1) 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.

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

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

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

- (3) **Building Identification Signs.** An additional building identification sign may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within and such sign is approved as provided for in this section. This type of sign is to identify a building as a destination and shall not be included in the total allowable signage area.

(f) Allowable Signs Not Included in the Total Signage Area (e) Incidental Signs.

- (1) Parking lot signs identifying entrances and exits to a parking lot or driveway, but only when there is one way traffic flow. No more than one sign shall be permitted for each driveway entrance or exit, and no corporate or business logos shall be permitted. Additionally, parking lot signs to identify divisions of the parking lot into sections and to control vehicular traffic and pedestrian traffic within the lot provided that no corporate or business logos shall be permitted. Signs approved under this category shall not be included in the total allowable signage per structure.
- (2) Dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. The maximum size of such sign shall be 32 square feet. Signs approved under this category shall not be included in the total allowable signage per structure.
- (3) Information signs of a public or quasi-public nature identifying or locating a hospital, public building, college, parking area, historic area or district, major tourist attraction or similar public or quasi-public activity; and also including signs identifying restrooms or other facilities relating to such places or activities. Signs approved under this category shall not be included in the total allowable signage per structure.
- (4) Incidental signs, including signs designating business hours, decals, street numbers, credit card acceptance and the like provided that the signs are not freestanding, the total of all such signs shall not exceed four square feet for each business, and the signs are non-illuminated. Incidental signs shall not be included in the total allowable signage per structure.

- (5) Real Estate signs, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. The maximum sign area shall be eight (8) square feet.

~~(e) — Allowable incidental signs, including signs designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.~~

(g) (f) Pedestrian Menu Boards and Sandwich Boards. Pedestrian menu boards shall not exceed two square feet three hundred sixty (360) square inches. Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in historic districts, River Improvement Overlay Districts, and historic landmarks as on premise signs provided permitting requirements of Chapter 28, section 28-17 are met. Permanently displayed menus may be properly installed inside the business' window or in a historic and design review commission an approved wall-mounted or freestanding display case adjacent to the business entrance. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign. All items listed on a menu board must be placed within the border of the menu board or within the display case. There may be no more than one pedestrian menu board per establishment unless there are two primary entrances to a building on different facades, in which case a pedestrian menu board for each entrance may be approved. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.

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

(h) Construction Signs. One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site.

(i) Nongovernmental Banners, Pennants and Flags. Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this article and are appropriate for advertising and decoration only

~~during special events or celebrations. No permanent advertising may be handled in this way.~~

~~(j) **Promotional Signs.** Promotional 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 premises events may be advertised in this manner; all off premises advertising must be displayed where it is not visible from the public right of way.~~

~~(h) **Noncommercial Speech Signs.** Noncommercial speech signs including but not limited to public service announcements may be erected in historic districts following approval by the historic and design review commission provided all regulations in this article are met. The maximum size of a noncommercial speech sign shall be 8 square feet, and it shall not be illuminated.~~

~~(l) **Real Estate Signs.** Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require historic and design review commission approval.~~

~~(i) **Allowable Temporary Signs.** If approved, the area of temporary signs shall not be included in the general allowable area for the specified property. Temporary signs may be approved administratively, shall be non-illuminated, and limited to the following types:~~

~~(1) Construction signs, including those which identify the architects, engineers, contractors and other individuals or firms involved with the construction. Such signs shall be removed upon issuance of a certificate of occupancy. The maximum area of such signs shall be 32 square feet, and no more than one sign shall be permitted for each street frontage.~~

~~(2) Political campaign signs announcing the candidates seeking public political office and other information pertinent thereto. Political campaign signs shall be removed within 30 days after the election day for which they are erected or posted.~~

~~(3) Signs advertising only the name, time, and place of any fair, festival, bazaar, education seminar or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause provided that all such signs shall be removed within 24 hours after the last day of the event to which they pertain. The maximum sign area shall be 32 square feet.~~

(4) Grand opening signs shall be permitted provided that such signs shall not be displayed for more than 10 days and the maximum size shall not exceed 32 square feet unless more is authorized.

(5) Seasonal decorations displayed between November 20 and January 4th, and during the official designated Fiesta time period. Such decorations shall not display the name of a business or shopping center, nor the words "open", "sale", "vacancy" or other similar words or phrases related to the business activity on the premises.

(6) Change of business name banners/hoods/covers over existing building mounted and freestanding signs while new signs are being manufactured, provided that such sign or signs shall not be displayed for more than eight weeks and shall not exceed the sign area that they are replacing or covering.

(7) Yard sale signs in a residential district provided that such signs shall be displayed only on the day of the event and on the property holding the event. The maximum sign area shall be eight square feet.

(8) Special exhibition signs for museums and art galleries provided that the signs are limited to one sign for each façade of a building used primarily as a museum or art gallery. The sign shall be placed on the building no earlier than seven days before and removed within 24 hours after the last day of the exhibition to which it pertains. Additionally, the maximum signage area per building shall be 200 square feet unless additional square footage is approved. Notwithstanding the above, signs may not exceed the maximum size and height limitation for signage contained in Chapter 28, Article 9.

(9) Promotional signs not exceeding six (6) square feet advertising special events or promotions provided that the signs are properly placed on the property or on the inside of windows and such signs are removed within 24 hours after the promoted event is over. Promotional signs may be approved for up to five events per calendar year, with no more than 30 days a year total approved for all qualifying signs or events per property.

(10) Any special purpose sign not covered above provided that it is removed within 30 days from the date of approval unless otherwise specified. If within the specified period the applicant feels there is a continued need for the special purpose sign, the applicant may file a new application to request additional display time. Non-governmental banners and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this section and are appropriate for advertising and decoration only during

special events or celebrations. No permanent advertising may be handled in this way.

~~(m) Temporary signs shall be subject to the provisions of chapter 28 of the City Code.~~

(i) (d) Prohibited Signs.

(1) Billboards, junior billboards, portable signs, and advertising benches ~~and sandwich boards~~ shall not be permitted within historic districts or on historic landmarks;

(2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;

(3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events unless otherwise allowed in this article;

(4) Any sign which does not identify a business or service within the historic district or historic landmark unless otherwise allowed in this article;

(5) Any non-contributing sign which is abandoned ~~for more than six (6) months~~ or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;

(6) Any attachment to an already affixed sign which does not meet the provisions of the City Code;

(7) Roof mounted signs, except in the case of a contributing sign. ~~cases of landmark signs or unless approved by the historic and design review commission in accordance with standards set forth in subsections (b) and (c) of this section.~~ Contributing roof mounted signs ~~Historic roof mounted billboards~~ may be resurfaced with an approved certificate of appropriateness. ~~provided that the billboard was legally erected and is registered with the development services department.~~ The square footage of roof mounted signs shall ~~would~~ be included in the total allowable signage for the building;

(8) Pole signs, ~~as defined in chapter 28 of the City Code;~~ and

(9) Revolving signs or signs with a kinetic component;:-

(10) Any sandwich board which conflicts with the Americans with Disabilities Act, or which disrupts or interferes with pedestrian or other traffic; and-

~~(11) (10)~~ Digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images,

Except as provided below:

- A. A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five (5) square feet of signage area, and one (1) sign per thirty (30) linear feet of pedestrian shelter.
- B. A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five (5) square feet of signage area.
- C. A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven (7) square feet of signage area.
- D. The historic preservation officer may impose additional restrictions on illumination to ensure that the character of signs is harmonious with the character of the structures on which they are to be placed and designated landmarks or districts in the area, provided that such restrictions are reasonably related to other conforming signs and conforming structures in the area, do not unreasonably restrict the amount of signage allowed by this section, and are in keeping with the intent of this section. Among other things, consideration shall be given to the location and illumination of the sign in relation to the surrounding buildings, the use of appropriate materials, the size and style of lettering and graphics, and the type of lighting source proposed. Notwithstanding the above, signs may not exceed illumination restrictions contained in Chapter 28.

(12) Any sign that obscures a sign display by a public authority for the purpose of giving instructions or directions or other public information.

(13) Any sign which consists of pennants, ribbons, spinners or other similar moving devices.

(14) Any sign, except official notices and advertisements, which is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.

(15) Moored balloons or other floating signs that are tethered to the ground or to a structure.

(16) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is parked so as to advertize the business to the

passing motorist or pedestrian; and whose primary purpose is to provide additional on-site signage or is to serve the function of an outdoor advertising sign. Excluded from this are vehicles or equipment that are in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business to which such signs relate; vehicles/equipment engaged in active construction projects; vehicles or equipment offered for rent to the general public and stored on-premises and otherwise allowed.

Notwithstanding the above, signs designated as a contributing sign or structure by the Historic Preservation Officer shall not be prohibited unless or until such designation is revoked.

(k) (n) Installation. Signs, ~~Commercial signs~~, posters, decals or advertisements may not be affixed, tacked, nailed, pasted, or taped to any portion of a building, object, site or structure in a manner that will cause irreversible damage or loss, or is considered inappropriate under any applicable guidelines utilized by the office of historic preservation. ~~visible from the public right-of-way.~~

(l) Hardship Cases.

(1) Whenever the location, topography or configuration of any lot is such as will cause a hardship by the limitations placed on the signs permitted by this article due to sight distances, existing vegetation, location of buildings on adjacent lots, and/or the topography of the parcel, approval may be granted to either allow additional signage, or to increase the amount of building mounted sign area by not more than 25 percent.

(2) No additional signage shall be approved unless it is found that approval of the proposed application will not be of substantial detriment to adjacent property and that the character of the area will not be changed by the granting of additional signage.

(3) Any additional signage approval shall be limited to the applicant only, and shall not apply to any future tenant or business.

(m) Nonconforming Status. ~~**(p) (8)**~~ Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status upon review by all necessary city departments.

(n) (o) Violations. In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the historic preservation officer, or the department of development services, shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to

remove the sign within three (3) days after notification, the department of development services, or historic preservation officer may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(1) Dilapidated Signs – Signs shall be maintained in good working condition so as to present a neat and orderly appearance. 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. The historic preservation officer, the code compliance department, the development services department, or the park police may give written notice to remove or repair, within 30 days, any sign which shows gross neglect or which is dilapidated. Failure to comply shall be considered a violation of this chapter. Additionally, whether the sign has been designated a contributing structure shall be taken into account when evaluating the condition of the sign.

(2) Abandoned Signs – A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of Chapter 28. Such sign, if not removed within 30 days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed at the owner's expense. This does not include signs that are currently approved as contributing structures.

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Chapter 35, Article VI, Section 35-645 is re-numbered and amended as follows:

Sec. 35-645. Signs and Billboards On Public Property or Right of Way.

(a) General Provisions. All non-regulatory signage on public property, on the public right-of-way, or overhanging the public right-of-way shall conform to all city codes and must be approved by the historic preservation officer ~~have approval of the historic and design review commission~~ prior to installation. Permits must be obtained following approval of the application ~~the historic and design review commission's approval and recommendation to the director of planning and notification of the director of development services.~~ The historic preservation officer may submit an application under this section to the historic and design review commission for their recommendation prior to approving, denying, or approving with conditions the application. Memorials, markers,

namings rights of public property, and recognition of charitable donations given to the City of San Antonio shall be additionally governed by existing policies for memorials and markers and/or any formal action passed by city council.

(b) Sign definitions. For signage definitions, refer to section 35-612 (b) and Chapter 28 of the city code.

(c) Proportion of Signs ~~**(b) Sign Proportions.**~~ Signage 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. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs should respect and respond to the character and/or period of the area in which they are being placed.

(d) (e) Standards for Sign Design and Placement. In considering whether to recommend approval or disapproval of an application for a certificate to construct or alter signage on a building, object, site, or structure, the historic and design review commission shall be guided by the following standards in addition to any specific design guidelines adopted by city council pursuant to division 1 of this article:

(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 design of the building or structure and the surrounding area.

(2) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion.

(3) Signs ~~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 shall be reviewed by the historic and design review commission.~~

(4) 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. The historic and design review commission shall be guided by the building's proportion and scale when such elements are incorporated.

(5) Additionally, when reviewing applications for signage the historic preservation officer and the historic and design review commission shall consider the visual impact on nearby historic resources and established neighborhood character.

(e) (d) Special Purpose Signs. All special purpose signs may ~~shall~~ be approved by the historic preservation officer ~~historic and design review commission~~ and

shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the applicant property owner feels there is a continued need for the special purpose sign, promotional sign or temporary sign, the applicant may file a new application to ~~he shall~~ request additional display time. 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 chapter and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way.

(f) (e) Prohibited Signs. Signs which shall not be permitted include:

- (1) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, interrupt, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (2) Roof mounted signs, except in the cases of (i) integral design with the building; (ii) a contributing sign; (iii) or otherwise allowed in this article;
- (3) Digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images. Except as provided below:

A. A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five (5) square feet of signage area, and one (1) sign per thirty (30) linear feet of pedestrian shelter.

B. A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five (5) square feet of signage area.

C. A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven (7) square feet of signage area.

D. The historic preservation officer may impose additional restrictions on illumination to ensure that the character of signs are harmonious with the character of the structures on which they are to be placed and any designated landmarks or districts in the area, provided that such restrictions are reasonably related to other conforming signs and conforming structures in the area, do not unreasonably restrict the amount of signage allowed by this section, and are in keeping with the intent of this section. Among other things, consideration shall be given to the location and illumination of the sign in relation to the surrounding buildings, the use of appropriate materials, the size and style of lettering

and graphics, and the type of lighting proposed. Notwithstanding the above, applicants may not exceed illumination restrictions contained in Chapter 28.

(g) **Violations.** In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the historic preservation officer, the development services department or park police shall notify the sign's owner, agent, operator or lessee. If the owner, agent, operator or lessee fails to remove the sign within three (3) days after notification, the department of development services or the historic preservation officer may file an action in municipal court as outlined in section 28-15 City Code of San Antonio, Texas. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(1) Dilapidated Signs – All signs shall be maintained in good working condition so as to present a neat and orderly appearance. 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. The historic preservation officer, the code compliance department, the development services department or the park police may give written notice to remove or repair, within 30 days, any sign which shows gross neglect or which is dilapidated. Failure to comply shall be considered a violation of this chapter, and the sign shall be removed at the owner's expense. Additionally, whether the sign has been designated a contributing structure shall be taken into account when evaluating the condition of the sign.

(2) Abandoned Signs – A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of Chapter 28. Such sign, if not removed within 30 days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed at the owner's expense. This does not include signs that are approved as contributing structures.

Chapter 35, Article VI, Division 5, is amended as follows:

Division 5: PUBLIC ART SAN ANTONIO (PASA)
STATEMENT OF PURPOSE

The purpose of Public Art San Antonio (PASA) is to support a public process for incorporating artist services and artworks in the design of civic spaces and capital projects and to define the City of San Antonio's policies and guidelines for acquiring and commissioning art of the highest standards which shall enrich the quality of life for all residents and visitors of San Antonio.

The goals of Public Art San Antonio (PASA) are to create a better visual environment for the residents and visitors of San Antonio, to integrate the design work of artists into the development of city eligible capital improvement projects, and to promote tourism and the economic vitality of the city through the enhancement of public spaces. Public Art San Antonio (PASA) serves the entire City of San Antonio as the public art program for all city departments, capital projects and public art initiatives, and is a division of the Capital Improvements Management Services Department (CIMS) Office of Cultural Affairs (OCA). Public Art San Antonio (PASA) specifically seeks:

- *To encourage the selection of artists at the beginning stages of each project who can work successfully as members of the project design team, and to encourage collaboration among all arts and building disciplines;*
- *To foster quality design and the creation of an array of artwork in all media, materials and disciplines that best respond to the distinctive characteristics of each project site and the community that it serves;*
- *To select experienced artists who represent the diverse cultural landscape of San Antonio;*
- *To encourage the selection of design enhancements that are accessible to the public and respect the historical resources and mobility of the citizenry;*
- *To encourage artists, design enhancements and programs for open spaces, parks, infrastructure and facilities that contribute to neighborhood revitalization and enhance the quality and pride of neighborhoods in the city;*
- *To encourage participation by citizens in the process of acquiring and commissioning of design enhancements;*
- *To encourage the role of public art and design enhancements in enhancing economic development and cultural tourism;*
- *To encourage the role of artists in the functional design of eligible capital improvement projects;*
- *To exhibit art in designated city facilities for the enjoyment of the public and to heighten awareness and appreciation for local artists; and*
- *To maintain and provide stewardship of the city public art and design enhancements collection.*

Chapter 35, Article VI, Division 5, Section 650 is amended as follows:

35-650. Funding.

(a) Public Art and Design Enhancement Allowances

1. Appropriation Procedures.
 - a. Standard appropriations for city capital improvement projects for infrastructure, whether financed with city bond proceeds or city monies from any other source, shall include an amount equal of up to one percent of the total capital improvement program appropriation to be used for design services of artists, for the selection, acquisition, fabrication, installation, and display of artworks, and for PASA administration of the public art projects. Monies appropriated as part of one project, but not deemed necessary by the City Council in total or in part for the project, may be expended on other projects approved under the annual public art projects plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.
 - b. Special appropriations for capital improvement projects for infrastructure that prioritizes public art and design enhancement within their planning and/or scope of work shall include a budgeted amount within corresponding capital improvement project appropriation that is commensurate with estimated costs relating the artwork to the design and scale of each project or site.
2. Grants and contributions from non-city sources.
 - a. City departments shall include in every application to a granting authority for a capital improvement project grant an amount for artists' services and artworks. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from private persons or governmental or public agencies, subject to conditions of the granting or contributing person or agency. If the public art appropriation is not allowed as a reimbursable expense, only the city-funded portion of the project is subject to the public art appropriation.
 - b. Contributions to PASA from private sources shall be deposited into a separate PASA account, subject to any donor's conditions within the instrument of conveyance. Disbursements must be made in accordance with the annual projects plan and this article.
3. Accounting. Amounts appropriated pursuant to this article shall be established by the City of San Antonio as separate budget items designated within the capital improvement program for public art and design enhancements.
4. City bond financed projects.
 - a. This article shall apply to a city capital improvement project financed with proceeds from:
 - i. General obligation bonds authorized and approved by the voters on or after January 1, 2011; or
 - ii. Revenue bonds, certificates, notes, or other obligations authorized and approved by the city council on or after January 1, 2011.
 - b. This article shall not apply to any refunding bond proceeds.
5. In developing the capital improvement program for bond-financed capital improvement projects, the city manager may recommend that the city council exempt certain bond-financed capital improvement projects from the application

of this article. The city manager's recommendations shall govern unless the City Council provides otherwise.

6. If a city capital improvement project is financed with city bond proceeds, the use of any amounts appropriated for artists' services and works of art in accordance with this article must be consistent with any voted proposition approved by the voters of the city, any resolution or ordinance adopted by the City Council authorizing issuance of the bonds, and applicable state or federal law.
7. Uses of public art and design enhancement appropriated funds.
 - a. Monies appropriated under this article may be used for artists' design concepts and for the selection, acquisition, purchase, fabrication, placement, installation, exhibition, and display of artworks.
 - b. A percentage of the total annual public art appropriations may be used for Public Art San Antonio (PASA) administration and may be used to pay the costs incurred in the administration of the program, including project administration, artist-selection-related costs, outside design fees where collaboration is involved, design, drawing, sculptural models, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate for the administration of the PASA public art program.

~~(a) Public Art and Design Enhancement Allowances. All public art and design enhancement allowances will be developed with the coordination of PASA and shall be maintained within applicable city infrastructure and capital improvement budgets, including eligible bond and grant funded projects and adhere to established timelines. The allowances identified for public art and design enhancements may be used for artist design services, for the development of design concepts and models, for the construction and installation of the enhancements. Public art and design enhancements may be permanent, may be integral to the architecture or may be incorporated into the city eligible capital construction project. Integration of artist's design concepts into the project should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect, landscape architect or engineer. The PASA should encompass the broadest possible range of expression, media and materials.~~

(b) Development of Annual Design Enhancement Public Art Plan.

1. PASA shall review with city departments all planned capital improvement projects to determine if they are eligible for public art and/or design enhancement treatment. ~~In general, capital improvement projects shall budget an amount of "up to" one percent of the total project cost and should be identified as early as possible.~~
2. PASA will ~~use the following~~ consider the feasibility, budget size, scope, and community impact as criteria for identifying and recommending capital projects suitable for public art and/or design enhancement treatment.÷
 - ~~Available public art and or design enhancement opportunities,~~

- ~~Size and scope of project,~~
- ~~Community or neighborhood sensitivity and diversity of communities served,~~
and
- ~~Opportunities for community participation and educational impact.~~

3. PASA shall discuss each eligible project with the assigned departmental staff to develop a project description, allowance, and timeline.

* * * * *

Chapter 35, Article VI, Division 5, Section 651 is amended as follows:

35-651. Eligible and Ineligible Public Art and Design Enhancements.

- (a) **Eligible Public Art and Design Enhancements.** It is the policy of the City of San Antonio that all public art and design enhancements commissioned or acquired through PASA are designed by an artist, craftsman or an artist or craftsman in collaboration with the project architect, landscape architect or engineer. Such artworks may include, but are not limited to the following:
1. The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements and other items if designed by an artist or design team that includes an artist co-designer.
 2. Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
 3. Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
 4. Murals or portable paintings in any material or variety of materials.
 5. Sculpture: freestanding, wall supported, or suspended; kinetic and electronic in any material or combination of materials.
 6. Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
 7. Public art and/or design enhancements that are an integral part of architecture, landscape architecture, and landscape design.

* * * * *

Chapter 35, Article VI, Division 5, Section 652 is amended as follows:

35-652. Responsibilities.

- (a) Public Art San Antonio (PASA). PASA shall:

1. Administer the public art and design enhancement allowances, artists registry, and the artist selection panels;
2. Implement policies and procedures relative to applying for and accepting gifts and grants, and disposition, relocation, maintenance, repair, and alteration of the city art collection;
3. Manage artist selection panels, the public art board, public art services of city departments, artists, design and building professionals and the public;
4. Develop a public art and design enhancement plan linked to eligible city capital improvement projects;
5. Coordinate and implement public art education and community outreach programs.
6. Present to city council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks;
7. Coordinate with all city departments and project designers the possibility of their acceptance and placement of a gift or loan of an artwork to the city at specific sites;
8. Coordinate with city departments regarding eligible sites for the placement of a gift or loan of an artwork the cost of care and maintenance of said artwork; and
9. OCA, through PASA, shall staff ~~Staff~~ the seven (7) member at large Public Art Board who shall be nominated by the Mayor and confirmed by Council for appointment, advisory to City Council, and serve as an adjunct public art review board to the historic and design review commission.

(b) Other City Departments. Other city departments shall:

1. Plan, develop and coordinate with PASA regarding existing and future projects opportunities for the incorporation of artworks and artist services.
2. Develop and implement artwork projects at specific sites.
3. Assess information and coordinate with PASA on proposals for gifts or loans of artworks and monies.
4. Inform PASA regarding any and all departmental activity related to the development and implementation of artwork and artist services.
5. Assist PASA in allocating funds, monitoring project budgets and educating the public.
6. Inform PASA on planning for targeted improvement areas, which could potentially incorporate an art project.
7. Recognize PASA as the professional public art authority for the City of San Antonio.

(c) **Public Art Board.** The Public Art Board shall be the sole public art review body for the City of San Antonio and shall:

1. Be composed a seven member at-large council advisory board, nominated by Mayor and confirmed by City Council, consisting of three (3) visual arts representatives (artist, professional, and patron), one (1) architect, landscape architect, or design professional, one (1) visual arts professor from local college

- or university, one (1) local art and architecture historian or conservationist, and one (1) community and/or neighborhoods representative. Public Art Board members shall be limited to one (1) three year term, however of the initial appointments, four (4) members shall hold a term of two (2) years and three (3) members shall hold a term of (3) years.
2. Have a chairperson and shall be initially selected by the Mayor, and shall have a term of one (1) year. Subsequent chairpersons shall be elected by the Public Art Board for one-year terms to manage the functions of the board; and
 3. Develop and approve an annual public art plan
 4. Develop policies and goals for the selection, placement, and maintenance of artwork in the City's collection.
 5. Review and make recommendations on artist selection panelists, artist selections, and all final public art and design enhancement projects and following the criteria set forth in section 35-653; and
 6. Review and make recommendations on all proposed public art gifts, loans and memorials following the criteria set forth in section 35-655; and
 7. Review and make recommendations on the disposition of artworks following the criteria set forth in section 35-656; and
 8. Review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the city art collection; and
 9. Review and make recommendations on the inventory of artworks in the city art collection, which shall be periodically inspected; and
 10. Develop, promote, educate and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.
 11. Actively promote PASA's call for artist opportunities for the purposes of recruiting a diverse group of talented artists for City of San Antonio projects.
 12. The public art board shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the public art committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.

(d) Artist Selection Panels. Artist selection panels shall:

1. Be composed of ~~at least five (5) members including: one (1) project design architect or engineer, one (1) department project manager or architect, one (1) community stakeholder, one (1) individual knowledgeable in public art and design enhancement, and one (1) public art board member.~~ active members of the prequalified artist selection panel pool. (See Section: 35-653 (a))
2. Make recommendations to PASA and the public art board on design, execution, and placement and of public art and design enhancement projects in connection with specific capital projects.
3. Make recommendations to PASA on appropriate method(s) of artist selection, commissioning, placement and execution of artworks related to the design of each appropriate project.

4. Review ~~the artists registry, artist's applications and submitted artist materials and~~ any additional sources deemed appropriate or necessary to make final recommendations to PASA and on the artist(s) applying for the specific projects.
5. Review and select artists taking into consideration the recommendations of the client and/or department and the criteria established by PASA.
6. Cease to exist once the artist(s) is selected and approved.
7. Shall not bind the City of San Antonio by contract or otherwise.
8. Conflicts of Interest - No member of the artist selection panel shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.

(e) Artist(s). The artist(s) shall:

1. Submit credentials, visuals, proposals and/or project materials as directed for consideration by the artist selection panel.
2. Conduct necessary research, including attending project orientations and touring project sites, when possible.
3. Design, execute, complete and transfer title of the artwork in a timely and professional manner.
4. Work closely with the project manager and/or other design professionals associated with the project.
5. Submit to PASA, City staff, the Public Art Board, and whenever applicable to the historic and design review commission any significant changes in the scope of the project, color, material, or design of the approved artwork.
6. Make public presentations, conduct community education workshops or a residency, as required by the contract with the City of San Antonio.
7. Provide a maintenance plan that includes a list of materials, diagrams, and names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

(f) Outside Agencies and Organizations. Outside agencies and organizations shall:

1. Coordinate with PASA and the Public Art Board regarding the planning and implementation of existing and future public art projects located within the public right of way, and/or that use public funding, and/or are installed on private property that is highly visible to the general public.
2. Submit to PASA, City staff, and the Public Art Board, any significant changes in the scope of the project, color, material, or design of the approved artwork.

Chapter 35, Article VI, Division 5, Section 653 is amended as follows:

35-653. Artist Approval Process. ~~Selection of Artists.~~

(a) Qualification of Artist Selection Panelists

1. Opportunities to participate as a member of the prequalified panelist pool shall be made available on an ongoing basis through an application and training process.
2. The Public Art Board may propose candidates to be appointed as participants in the panelist pool based upon a candidate's special experience and/or unique qualifications.

(b) Selection Panel Composition and Procedures

1. PASA shall review information regarding each new project opportunity in order to nominate qualified Artist Selection Panelists to the Public Art Board for recommendation and approval of the panel's composition.
2. PASA shall manage the Artist Selection Panel duties and responsibilities.
3. The Artist Selection Panel shall review the Call for Artists submitted materials and proposed its recommended artist selection to the Public Art Board.
4. The Public Art Board shall consider final artist selection and provide recommendations and approvals to PASA.
5. PASA shall notify artists of selection process results.

(c) Calls for Artists.

1. PASA, in consultation with appropriate city departments, shall define the scope of work, project criteria, and budget, develop a community profile, assembles the artist selection panel and manages the artist selection process.
2. PASA shall brief the artist selection panel on the project and make appropriate modifications to the process according to the panel's recommendations.
3. The artist selection panel shall review a presentation by PASA of materials submitted by artists in response to a call for artists, invitation, or other method of selection recommended by PASA, and may choose to interview finalists.
4. Upon request, finalists may be required to submit additional qualifications and/or a concept proposal to the panel prior to being interviewed. If asked to submit a proposal, PASA shall coordinate with finalists to discuss the site and any additional project background.
5. Qualifications may include a resume and images of artists' past work. Proposals may include models, drawings, or other visual representations, and a written statement.
6. At the conclusion of presented artists' qualifications, the panel shall deliberate the materials presented, interviews, project scope of work and related criteria.
7. Artists who have completed past public art projects with the City of San Antonio shall submit an inventory of past works, and PASA shall brief the panel on artists' previous performance and past works.
8. Final recommendation of selected artist shall be decided by majority vote. A final recommendation shall be presented to the Public Art Board through PASA.
9. PASA may request a formal proposal from the final artist(s) selected specifying the time frame for project development, payment schedule, ownership and

copyrights. All materials related to the proposal including models, drawings etc. will be the property of the artist, but the city shall have the right to exhibit and use them for educational and promotional purposes.

10. Types of Call for Artists:

1. Open Competition. Any artist may submit qualifications or proposals subject to any requirements established by the artist selection panel or PASA. Calls for artists for open competitions shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.
2. Invitational. The artist selection panel may invite a limited number of artists to submit credentials or proposal.
3. Direct Selection. The artist selection panel may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as an urgent project timeline or very specific project requirements.

(a) (d) Artist Selection Criteria. The artist selection process shall be managed by PASA and, whenever possible, shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

1. The design capabilities of the artist(s) and the inherent quality of the artworks.
2. All media forms of visual arts may be considered, subject to any requirements set by the artist selection panel or PASA.
3. Public art and design enhancements of all schools, styles, and tastes should be considered for the public art and design enhancement program.
4. Public art and design enhancements should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.
5. Consideration should be given to structural and surface integrity, permanence and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
6. Consideration should be given to the fact that public art and design enhancement, as defined by the program, is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Public art and design enhancement may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces, establish identity, or address specific issues of urban design.
7. Public art and design enhancements should be examined for unsafe conditions or factors that may bear on public liability.

8. PASA should strive for diversity of style, scale and media, and will also strive for an equitable distribution of artworks throughout the city, subject to sources of project funding.
9. Consideration should be given to budget suitability and/or constraints for each specific project.
10. The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community and the city departments.

~~(b) Methods of Selecting Artists.~~

- ~~1. Design Team Selection. The design team of a project may directly select an artist(s) following the criteria set forth in subsection 35-653(a).~~
- ~~2. Limited Competition. The artist selection panel may invite a limited number of artists to submit credentials or proposal.~~
- ~~3. Open Competition. Any artist may submit qualifications or proposals subject to any requirements established by the artist selection panel or PASA. Calls for entries for open competitions shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.~~
- ~~4. Direct Selection. The artist selection panel may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent project timeline or very specific project requirements.~~

~~(c) Limited Competition Selection Process.~~

- ~~11. PASA, in consultation with appropriate city departments, shall define the scope of work, project criteria, budget, develop a community profile, assemble the artist selection panel and outline the selection process.~~
- ~~12. PASA shall brief the artist selection panel on the project and make appropriate modifications according to the panel's recommendations.~~
- ~~13. The artist selection panel shall review the artists registry or other sources recommended by PASA and select a predetermined number of finalists to be interviewed. Depending on the scope of work and timeline of the project, the selected finalists may be required to submit their qualifications or a project proposal to the panel. If the finalists are to submit a project proposal, PASA shall present finalists with information pertaining to the selection process and the project, including available background information. PASA may set a meeting with the artist to discuss the site and/or project.~~
- ~~14. The artist selection panel shall interview the finalists and review the artists' qualifications or proposals, on a predetermined date. Qualifications may include a resume and samples of artist's past work. Proposals may include models, drawings, and a written statement. After all interviews and reviews have been concluded, discussion between panel members will begin based on the material presented, discussion with finalists, project scope of work and criteria. Final artist selection will be a majority vote. The artist selection panel's recommendation shall be presented to the Public Art Board through PASA.~~

- ~~15. PASA may request a formal proposal from the final artist(s) selected specifying the time frame for project development, payment schedule, ownership and copyrights. All materials related to the proposal including models, drawings etc. will be the property of the artist, but the city shall have the right to exhibit and use them for educational and promotional purposes.~~

~~(d)~~ (e) Final Artist Approvals Recommendations.

1. The Public Art Board ~~shall have~~has the responsibility of reviewing and approving the ~~aesthetic appropriateness of an artist's proposal or artwork~~ artwork for a project and ~~making~~ providing recommendations to City Council, as well as other boards and commissions whenever necessary ~~to the historic and design review commission.~~
2. The Historic and Design Review Commission (HDRC) shall have the responsibility of reviewing and approving artworks based on their appropriateness within a historic district and that require a certificate of appropriateness in order to be placed within a city-designated historic district.

~~(e)~~ (f) Artist Contracts, Fabrication, Installation, Maintenance of Artworks, and Artists Registry.

1. Design teams selected for projects eligible for public art and design enhancement treatment will be contracted to provide architects/engineering and unique public art and design enhancement features. The artist may be asked to prepare a budget that includes costs for fabrications, materials, labor, transportation, site preparation and installation, insurance, artist fee and a contingency fund. Contracts will require the artist to develop a maintenance plan for the artwork, which must be submitted to PASA and appropriate City departments before final acceptance of artwork by city is issued.
2. Fabrication of the artwork will be by the artist or under the artist's direct supervision.
3. Installations shall be coordinated between PASA and the appropriate representatives of each department having jurisdiction over the site and/or construction. Whenever possible, the installation of artworks will become part of the final project's construction contract, and will be executed by the contractor under the artist's supervision.
4. Maintenance. All routine maintenance and repairs of permanent public art and design enhancements, including cleaning, shall be the responsibility of the city department housing the artwork, in consultation with PASA. Each department that houses the public art and/or design enhancements shall notify PASA whenever it believes an artwork requires attention. City departments may request from PASA guidance in maintenance, cleaning and curatorial services for the city art collection. When applicable, artwork that requires any maintenance shall follow the specific instructions and specifications listed under artist's maintenance plan.

(f) (g) Documentation. PASA shall document the selection process and critical stages of specific projects such as fabrication and installation. The documentation will be used for the production of city promotional material and self-guided tour brochures. A video and still photography of each project may be part of the documentation. This documentation will be used as a promotional, educational and archival resource. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by PASA.

~~(g) Artists Registry. PASA will administer an artists registry accessible to all local, regional, national and international artists interested in applying. This will ensure that the largest numbers of artist(s) will be accessible to all public art and design enhancement projects and programs. The artists registry will be used as a resource by the artist selection panels for commissioning artists and art works. PASA will periodically post notice of the registry and application and will use other art organizations' mailing lists to maximize artist participation.~~

Chapter 35, Article VI, Division 5, Section 655 is amended as follows:

35-655. Guidelines for Public Art Gifts and Loans.

* * * * *

(b) Definitions and Responsibilities. ~~PASA staff shall:~~

1. PASA staff shall:

- i. 1. Serve as liaison between the Donor and the City and its designated authority, the Public Art Board.
- ii. 2. Convene and facilitate the Public Art Board and its Public Art Gifts, Loans, and Memorials Committee (GLMC, defined below) to review possible donations.
- iii. 3. Oversee the fabrication (when applicable), site preparation (including, but not limited to foundations and lighting), and the installation of all accepted artworks/memorials and related materials such as donor plaques

2. 4. THE PUBLIC ART BOARD is an independent body operating within the City, facilitated by PASA staff and responsible for making recommendations on public art for the City, including matters relating to public art gifts or loan of art for public places as well as for public art memorials. The Public Art Board shall:

- i. Appoint a Public Art Gifts, Loans, and Memorials Committee (GLMC). Committee members shall be appointed for a term of two or three years (staggered terms) and may serve a maximum of two terms. Additional adjunct members will be appointed as needed for each proposal. Standing committee members, (five in total) will

include three arts and/or design professionals -- a curator, a or art maintenance and conservation specialist, an architect, a landscape architect, a graphic designer, etc., one of whom must be an artist; a historian familiar with the city; and a neighborhood representative who will be assigned depending on the proposal/s. A member of the Public Art Board, who serves as a non-voting facilitator, will chair the GLMC. Other non-voting advisors to the review process may include representatives of the City Departments of CIMS, Risk Management, Development Services, or Legal, as deemed appropriate by the Public Art Board. The GLMC shall convene once every six months on average or on an as-needed basis, as determined by the Public Art Board and depending on when a gift, loan, or memorial is offered.

- ii. Serve as a board of appeals for any issues that arise in conjunction with the artwork/memorial donations.

3.-(5). THE GIFTS, LOANS, AND MEMORIALS COMMITTEE (GLMC) is a committee of the Public Art Board, facilitated by PASA staff, and responsible for reviewing and making recommendations on proposed public artwork gifts, loans, or memorials to the Public Art Board. GLMC shall follow the procedures for review of gifts, loans, and memorials (described below.)

4. (6). WORKS OF PUBLIC ART ~~Works of public art~~ are all forms of original creations of visual art or art services, including but not limited to:

- i. Painting of all media, including both portable and permanently affixed works such as murals;
- ii. Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic, etc. in any material or combination of materials;
- iii. Other visual media including, but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber, textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts;
- iv. Media-based artwork (i.e. electronic, video, Internet reliant);
- v. Art that incorporates the use of sound; and
- vi. Artist design services.

5.-(7) ARTIST is a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art.

6.-(8) PUBLIC ART SAN ANTONIO PROGRAM DIRECTOR is an employee of the City responsible for the operation of the public art program.

7. (9) SAN ANTONIO PUBLIC ART COLLECTION refers to all works on the accession records/inventory of the City.

8.~~(10)~~ GIFT OF ART is a work of art donated free and clear to the City for inclusion in the city art collection.

9.~~(11)~~ LOANED ART, for these purposes, is a work of art given without charge for use over a period of time exceeding 90 days, to be returned to the owner at the end of the use period; Artworks loaned for less than one year will be reviewed by the PASA Program Director and staff.

10.~~(12)~~ PUBLIC ART MEMORIAL is a work of art designed to artistically memorialize or create an artwork monument to an event, person, group, or other entity on public property. Public Art Memorials must conform to the criteria outlined within the City of San Antonio's policies regarding Markers, Memorials, and Plaques.

- (c) ~~Procedures for Public Art Review of Public Art Gifts, Loans, and Memorials.~~ All persons interested in donating or gifting works of art to the City will be required to submit the following information in writing to PASA at least six months prior to the anticipated installation date of the project.

* * * * *

- (d) ~~Review Process~~ DESIGN REVIEW PROCESS. PASA staff will convene the GLMC and present an agenda and schedule for the public art proposals to be considered. The donation information will have been sent to the GLMC for review prior to the meeting. Acceptance or rejection of proposals will be recommended by the GLMC based on the following criteria:

* * * * *

- (e) ~~Criteria for Eligibility~~ ELIGIBILITY/CRITERIA

Public Art Memorials must conform to the criteria outlined within the City of San Antonio's policies regarding Markers, Memorials, and Plaques.

* * * * *

- (g) ~~Final Recommendations And Acceptance.~~ FINAL RECOMMENDATIONS AND ACCEPTANCE. Final recommendations and approvals of donated public art memorial will be made by the Public Art Board upon recommendation of its GLMC and acknowledged through a written statement to the donor or donor's agent. The Public Art Board has the responsibility of reviewing and approving the aesthetic appropriateness of a public art memorial and making recommendations whenever necessary to the historic and design review commission. The Historic and Design Review Commission shall have the responsibility of reviewing and approving public art memorials requiring a certificate of appropriateness for their placement within a

City designated historic district. Final acceptance will require an Acceptance Agreement approved by City Council.

* * * * *

Chapter 35, Article VI, Division 5, Section 673 (d) (2) is amended as follows:

35-673. Site Design Standards.

* * * * *

(d) Riverside Setbacks.

(2) Designation of a development node district provides for a minimum ~~maximum~~ riverside setback of zero (0) feet.

Sections 35-678 (a) thru (o) are hereby amended as follows:

Sec. 35-678. Signs and Billboards in the RIO.

(a) General Provisions.

(1) ~~All Signage Shall be Subject to Approval of the Historic and Design Review Commission.~~ All signage within a RIO district, "~~RIO-1~~", "~~RIO-2~~", "~~RIO-3~~", "~~RIO-4~~", "~~RIO-5~~", and "~~RIO-6~~" shall conform to all city codes and must have approval of the historic preservation officer ~~historic and design review commission~~ prior to installation. Permits must be obtained following the ~~historic and design review commission's~~ approval of a certificate of appropriateness, ~~application and recommendation to the office of historic preservation~~. Signs should ~~respect and respond to the river improvement overlay district character in which it is constructed.~~ No sign shall be painted, constructed, erected, remodeled, refaced, relocated, expanded or otherwise altered until it has been approved and a permit has been obtained from the development services department in accordance with the provisions of this section and applicable city code. Additionally, signs, visual displays or graphics shall advertise only the business on the premises unless otherwise allowed in this section.

(2) ~~All Signage on Property Abutting the River Shall Conform in Particular to Subsection 35-678(p).~~ All signage on the riverside of property abutting the river shall conform to all city codes, ~~subsection 35-678(p), below.~~ Permits must be obtained ~~f~~ following the ~~historic and design review commission's~~ approval of a certificate application and recommendation to the office of historic preservation. When reviewing applications for signage the historic preservation officer and the historic and design review commission shall also consider the visual impact on nearby historic resources. Signs should respect and respond to the environment and landmark or district character in which it is constructed.

~~Additionally, signs~~ Signs should respect and respond to the river improvement overlay districts character and the historic River Walk; ~~generally defined as those areas included in the Robert H. Hugman drawings, in particular.~~ The content or advertising message carried by permitted signs shall pertain to the business located on the same premises as the sign or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on buildings with multiple businesses within shall pertain to any such business within.

(3) For signs with changeable message panels, the changeable message area of the sign shall not exceed 25 percent of the total sign area, except for gasoline price signs which shall not exceed 75 percent of the total sign area. Electronic changeable message boards shall be prohibited.

(4) The name of a business may be changed through the administrative approval process if the sign conforms to the provisions of this section, and if the color, size, and style of lettering, and illumination of the sign remain the same.

(5) Provisions under this section shall comply with Chapter 28 of the City Code of San Antonio, Texas. In cases where provisions under this section are stricter or a sign is designated as a contributing structure, then this section shall control.

(2) Special consideration should be given to the character of the sign itself proposed in the application, and whether the proposed sign has inherently historic characteristics which may fall outside of the guidelines presented below but which would contribute to the historic district, landmark or area for which it is being proposed. Additionally, when reviewing applications for signage the historic preservation officer and the historic and design review commission shall consider the visual impact on nearby historic resources.

(3) Memorials, markers, naming rights of public property, and recognition of charitable donations given to the City of San Antonio shall be additionally governed by any formal action passed by city council.

(b) **Sign Definitions.** For signage definitions, refer to section 35-612(b) and Chapter 28 of the city code.

(c) ~~(d)~~ **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 in a river improvement overlay district, review the historic and design review commission shall be guided by the following standards in addition to any specific design guidelines approved by city council ~~included within section 35-678.~~

(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 character of the district and structure. Sign materials shall be compatible with that of the building facade. Highly reflective materials that will be difficult to read are not permitted.

~~(2) Signs, Visual Displays or Graphics Shall Advertise Only the Business on the Premises.~~ Signs Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap disabled persons access" signs, as well as government signs, shall be reviewed ~~by the historic and design review commission~~ but shall not be included in total allowable signage area. Emergency signs shall be exempt from historic and design review commission approval.

~~(3) (4) Graphic Elements Shall Reinforce the Architectural Integrity of the Building.~~ 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 that are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved ~~by the historic and design review commission.~~ Review ~~The historic and design review commission~~ shall be guided by the building's proportion and scale when such elements are incorporated.

~~(4) (5) Illumination.~~ 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 or other translucent material or 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. For purposes of this subsection, "Glare" shall mean an illumination level of at least six (6) ~~nits~~ lux at the property boundary. If internal illumination is used, it should be designed to be subordinate to the overall building composition.

~~(6) Signs Shall be Maintained in Good Repair.~~ 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 article as well as all other pertinent city codes and ordinances~~

(d) (b) Proportion of Signs. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs should respect and respond to the character and/or period of the area in which they are being placed.

(e) (e) Number and Size of Signs.

(1) Number and Size. The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. Applicants may apply for up to three signs total, with total signage no bigger than 20 percent of the proposed facade it will be placed upon. Total signage for all applicants shall not exceed fifty (50) square feet unless additional signs and/or additional total footage is approved. Additional square footage may be approved provided that the additional signage is in conformity with, and does not interfere with, the pedestrian experience on the River Walk. The additional square footage shall be based upon the size and scope of the site. The applicant is strongly advised to coordinate their signage plan with signage plans of other building tenants. It is also recommended that the building owner or their agent develop a master signage plan or signage guidelines for the total building or property. If a property has an approved master signage plan on file with office of historic preservation, then applications for signage may be approved administratively at the discretion of the historic preservation officer provided that they comply with such master signage plan. Notwithstanding the above, signs may not exceed the maximum size and height limitation of signage contained in Chapter 28, Article 9.

~~**Buildings Housing One (1) Business.** For buildings housing one (1) business or service, one (1) major sign per facade (as per subsection 35-612(e)(1)) with a public entrance to that business and two (2) minor signs shall be permitted in river improvement overlay districts.~~

~~**(2) — Buildings Housing More Than One (1) Business.** For buildings housing more than one (1) business or service, the building owner shall develop a master signage plan or signage guidelines for the total building or property. The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building~~

~~and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.~~

~~(3) — Square Footage of Signs. For buildings located in the river improvement overlay districts, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.~~

~~(4) — Number of Signs. The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one (1) business, the historic and design review commission may recommend directory signage. In the cases of signs with more than one (1) 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.~~

(2) (8) Sign Area. The sign area shall be determined in the following manner:

A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure including all letters, figures, graphics or other elements of the sign, together with the framework or background of the sign. The supporting framework of the sign shall not be included in determining sign area unless such supporting framework forms an integral part of the sign display, as determined by the Historic Preservation Officer. If the sign is located on a decorative fence or wall, when such fence or wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display itself, the fence or wall shall not be included in the sign area. In the cases of signs with more than one (1) 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. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or the displays. Any border which forms an integral part

~~of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.~~

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

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

~~(5) Height of Signs. The top of any sign shall not be higher than twenty (20) feet above the ground below it. Exceptions may be granted if natural or man-made features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.~~

~~(3) (6) Building Identification Signs. An additional building identification sign may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within and such sign is recommended for approval by the historic and design review commission. This type of sign is to identify a building as a destination, shall not be larger than 32 square feet, and shall not be included in the total allowable signage area. Two (2) building identification signs may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within. This type of sign is to identify a building as a destination. Building identification signs may not exceed thirty five (35) square feet per facade. Building identification signs located above the eighth floor may exceed the size standard by three (3) times. Building identification signs located above the twelfth floor may exceed the sign standard by four (4) (times). The HDRC may recommend approval of larger building identification signs located at the tops of building over fifteen (15) stories, taking into consideration the placement of the sign and the impact on the pedestrians at street level.~~

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

(f) Allowable Signs Not Included in the Total Signage Area.

(1) Parking lot signs identifying entrances and exits to a parking lot or driveway, but only when there is one way traffic flow. No more than one sign shall be permitted for each driveway entrance or exit, and no corporate or business logos shall be permitted. Additionally, parking lot signs to identify divisions of the parking lot into sections and to control vehicular traffic and pedestrian traffic within the lot provided that no corporate or business logos shall be permitted. Signs approved under this category shall not be included in the total allowable signage per structure.

(2) Dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. The maximum size of such sign shall be 32 square feet. Signs approved under this category shall not be included in the total allowable signage per structure.

(3) Information signs of a public or quasi-public nature identifying or locating a hospital, public building, college, parking area, historic area, major tourist attraction or similar public or quasi-public activity; and also including signs identifying restrooms or other facilities relating to such places or activities. Signs approved under this category shall not be included in the total allowable signage per structure.

(4) Incidental signs, including signs designating business hours, street numbers, credit card acceptance and the like provided that the signs are not freestanding, the total of all such signs shall not exceed four square feet for each business, and the signs are non-illuminated. Incidental signs shall not be included in the total allowable signage per structure.

(5) Real Estate signs, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. The maximum sign area shall be 8 square feet. Only one sign will be permitted for each building for sale or lease that is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available.

(g) Pedestrian Menu Boards and Sandwich Boards. Pedestrian menu Menu boards shall not exceed two (2) square feet ~~three hundred sixty (360) square inches.~~ Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in historic districts, River Improvement Overlay Districts, and historic landmarks as on premise signs provided permitting requirements of Chapter 28,

section 28-17 are met. Permanently displayed menus may be properly installed inside the business' window or in an a-historic-and-design-review-commission approved wall-mounted or freestanding display case adjacent to the business entrance. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign. All items listed on a menu board must be placed within the border of the menu board or within the display case. There may be no more than one (1) pedestrian menu board per establishment unless there are two primary entrances to a building on different facades, in which case a pedestrian menu board for each entrance may be approved.

(h) (4) Noncommercial Speech Signs. Noncommercial speech signs including but not limited to public service announcements may be erected in river improvement overlay districts following approval ~~by the historic and design review commission~~ provided all regulations in this article are met. The maximum size of a noncommercial speech sign shall be 8 square feet, and shall not be illuminated. However, political signs, and the regulation thereof, shall not violate Section 216.903 (Regulation of Political Signs by Municipality) of the Texas Local Government Code.

(i) Allowable Temporary Signs. If approved, the area of temporary signs shall not be included in the general allowable area for the specified property. Temporary signs may be approved administratively, shall be non-illuminated, and limited to the following types:

- (1) Construction signs, including those which identify the architects, engineers, contractors and other individuals or firms involved with the construction. Such signs shall be removed upon issuance of a certificate of occupancy. The maximum area of such signs shall be 32 square feet, and no more than one sign shall be permitted for each street frontage.
- (2) Political campaign signs announcing the candidates seeking public political office and other information pertinent thereto.
- (3) Signs advertising only the name, time, and place of any fair, festival, bazaar, education seminar or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause provided that all such signs shall be removed within 24 hours after the last day of the event to which they pertain. The maximum sign area shall be 32 square feet.
- (4) Grand opening signs shall be permitted provided that such signs shall not be displayed for more than 10 days and the maximum size shall not exceed 32 square feet unless more is authorized.
- (5) Seasonal decorations displayed between November 20 and January 4th, and during the official designated Fiesta time period. Such decorations shall not display the name of a business or shopping center, nor the words "open", ""sale", "vacancy" or other similar words or phrases related to the business activity on the premises.

(6) Change of business name banners/hoods/covers over existing building mounted and freestanding signs while new signs are being manufactured, provided that such sign or signs shall not be displayed for more than eight weeks and shall not exceed the sign area that they are replacing or covering.

(7) Yard sale signs in a residential district provided that such signs shall be displayed only on the day of the event and on the property holding the event. The maximum sign area shall be eight square feet.

(8) Special exhibition signs for museums and art galleries provided that the signs are limited to one sign for each building used primarily as a museum or art gallery, the sign shall be placed on the building no earlier than seven days before and removed within 24 hours after the last day of the exhibition to which it pertains. Additionally, the maximum signage area per building shall be 200 square feet, unless additional square footage is approved.

(9) Promotional signs not exceeding six (6) square feet advertising special events or promotions provided that the signs are properly placed on the property or on the inside of windows and such signs are removed within 24 hours after the promoted event is over. Promotional signs may be approved for up to five events per calendar year, with no more than 30 days a year total approved for all qualifying signs or events per property.

(10) Any special purpose sign not covered above provided that it is removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the applicant feels there is a continued need for the special purpose sign the applicant may file a new application to request additional display time. Non-governmental banners and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this section and are appropriate for advertising and decoration only during special events or celebrations. No permanent advertising may be handled in this way.

(11) The director of downtown operations may provide written authorization for one (1) approved symbol, logo, or sign to be temporarily placed on chartered barges for special events. The sign shall not exceed eight (8) square feet.

(j) (e) Prohibited Signs. The following signs are prohibited:

(1) Billboards, junior billboards, portable signs, and advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks;

(2) (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;

- (3) ~~(B)~~ Any sign which advertises commercial off-premises businesses, products, activities, services, or events unless otherwise allowed in this article;
- (4) ~~(C)~~ Any sign which does not identify a business or service within the river improvement overlay district unless otherwise allowed in this article;
- (5) ~~(D)~~ Any non-contributing sign which is abandoned ~~for more than six~~ ~~(6) months~~ or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) ~~(E)~~ Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- (7) ~~(F)~~ Roof mounted signs, except in the cases of landmark signs or unless approved ~~by the historic and design review commission~~ in accordance with standards set forth in subsections (b) and (c) of this section. Contributing Historic roof mounted signs billboards may be resurfaced with an approved certificate of appropriateness provided that the billboard was legally erected and is registered with the development services department. The square footage of roof mounted signs shall ~~would~~ be included in the total allowable signage for the building;
- (8) ~~(G)~~ Pole signs, ~~as defined in chapter 28 of the City Code~~; and
- (9) ~~(H)~~ Digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images.

Except as provided below:

- A. A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five (5) square feet of signage area, and one (1) sign per thirty (30) linear feet of pedestrian shelter.
- B. A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five (5) square feet of signage area.
- C. A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven (7) square feet of signage area.
- D. The historic preservation officer may impose additional restrictions on illumination to ensure that the character of signs are harmonious with the character of the structures on which they are to be placed and designated landmarks or districts in the area, provided that such restrictions are

reasonably related to other conforming signs and conforming structures in the area, do not unreasonably restrict the amount of signage allowed by this section, and are in keeping with the intent of this section. Among other things, consideration shall be given to the location and illumination of the sign in relation to the surrounding buildings, the use of appropriate materials, the size and style of lettering and graphics, and the type of lighting proposed.

- (10) Revolving signs or signs with a kinetic component;
- (11) Any sandwich board which conflicts with the Americans with Disabilities Act, or which disrupts or interferes with pedestrian or other traffic; and-
- (12) Any sign that obscures a sign display by a public authority for the purpose of giving instructions or directions or other public information.
- (13) Any sign which consists of pennants, ribbons, spinners or other similar moving devices.
- (14) Any sign, except official notices and advertisements, which is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.
- (15) Moored balloons or other floating signs that are tethered to the ground or to a structure.
- (16) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is parked so as to advertize the business to the passing motorist or pedestrian; and whose primary purpose is to provide additional on-site signage or is to serve the function of an outdoor advertising sign. Excluded from this are vehicles or equipment that are in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business to which such signs relate; vehicles/equipment engaged in active construction projects; vehicles or equipment offered for rent to the general public and stored on-premises and otherwise allowed under applicable city ordinance.

Notwithstanding the above, signs designated as a contributing sign or structure by the Historic Preservation Officer shall not be prohibited unless or until such designation is revoked.

~~(f) **Incidental Signs.** Allowable incidental signs, including sign designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.~~

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

~~(k) (e) **Installation.** Signs~~ Commercial signs, posters, decals or advertisements may not be affixed, tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way in a manner that will cause irreversible damage or loss, or is considered inappropriate under any applicable guidelines utilized by the office of historic preservation.

(l) Hardship Cases.

(1) Whenever the location, topography or configuration of any lot is such as will cause a hardship by the limitations placed on the signs permitted by this article due to sight distances, existing vegetation, location of buildings on adjacent lots, and/or the topography of the parcel, approval may be granted to either allow additional signage, or to increase the amount of building mounted sign area by not more than 25 percent.

(2) No additional signage shall be approved unless it is found that approval of the proposed application will not be of substantial detriment to adjacent property and that the character of the area will not be changed by the granting of additional signage.

(3) Any additional signage approval shall be limited to the applicant only, and shall not apply to any future tenant or business.

~~(i) **Construction Signs.** One (1) construction sign, not to exceed thirty two (32) square feet in area, shall be allowed per construction site.~~

~~(j) **Nongovernmental Banners, Pennants and Flags.** Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this article and are appropriate for decoration only during special events or celebrations as approved by the historic preservation officer. Banners may only have sponsor advertising on one third (1/3) of the total number of banners, and the sponsor advertising shall not exceed one quarter (1/4) of the size of the banner.~~

~~(k) **Promotional Signs.** Promotional 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.~~

(m) (7) Nonconforming Status. Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status upon review by all necessary city departments.

(m) Real Estate Signs. ~~Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require historic and design review commission approval.~~

(n) Temporary Signs. ~~Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.~~

(n) Violations in River Improvement Overlay Districts and on the River Walk.

(1) In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the historic preservation officer, the department of development services, park police or code compliance shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the department of development services or historic preservation officer may file an action in municipal court as outlined in section 28-15 of the City Code of San Antonio, Texas. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(2) Dilapidated Signs – All signs shall be maintained in good working condition so as to present a neat and orderly appearance. 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. The historic preservation officer, the code compliance department, department of development services or park police may give written notice to remove or repair, within 30 days, any sign which shows gross neglect or which is dilapidated. Failure to comply shall be considered a violation of this chapter, and the sign shall be removed at the owner's expense. Additionally, whether the sign has been designated a contributing structure shall be taken into account when evaluating the condition of the sign.

(3) Abandoned Signs – A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of Chapter 28. Such sign, if not removed within 30 days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed

at the owner's expense. This does not include signs that are approved as contributing structures.

Section 35-678 (p) is hereby re-numbered as new Section 35-681 and amended as follows:

Sec. 35-681. (p) Signs on the Riverside of Properties Abutting the River.

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

(a) (1) Character of Signs. Signs should respect and respond to the character of the historic River Walk area. The display of signs and other graphics on the riverside of property abutting the river shall not be permitted except as provided for in this article. Additionally, when reviewing applications for signage the historic preservation officer and the historic and design review commission shall consider the visual impact on nearby historic resources. This prohibition specifically includes billboards, banners, menus, except as indicated in subsection (2)F. below and other signs of a miscellaneous character.

(b) Sign Definitions. For signage definitions, refer to section 35-612(b) and Chapter 28 of the city code.

(c) (2) Standards for Signage.

(1) A. Proportion. 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. The building façade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs should respect and respond to the character and/or period of the area in which they are being placed.

(2) B. Size. The maximum allowable size for any sign on the riverside of property abutting the publicly owned River Walk and visible from the River Walk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet. However, additional square footage may be approved provided that the additional signage is in conformity, and does not interfere with, the pedestrian experience on the River Walk. The additional square footage shall be based upon the size and scope of the site, and shall be appropriate for the area in which it is being placed.

(3) C. Roof Top/Parapet Signs. No signs shall be displayed from the parapet or roof of any building unless designated by the historic preservation officer as a contributing structure.

(4) D. Signs for River Walk Business Only. No sign, visual display, or graphic shall be placed in the River Walk area unless it advertises a bona fide business conducted in, or on premises adjacent to the River Walk. Only buildings ~~those businesses~~ that have an entrance directly onto the River Walk may display a sign or graphic.

(5) E. Number of Signs. Only one (1) identification sign shall be allowed for each store, shop, restaurant, nightclub, or place of business in the River Walk area and fronting on the River Walk. In addition to a sign, establishments serving food or beverages may erect a menu board, which shall be used only for displaying menus.

(6) F. Illumination. Internally illuminated signs are prohibited. The light source for exterior illumination shall be steady light concealed by a hood or other acceptable method of indirect lighting. Flashing lights, rope lighting and exposed neon lights are prohibited.

(7) G. Materials. Signs may be constructed of wood, metal, glass. Lettering may be painted, stamped, etched, carved, applied metal or wood. Vinyl lettering may be permitted for interior signs provided it respects and responds to the character of the historic River Walk area is prohibited.

(8) H. Pedestrian Menu Boards and Sandwich Boards. Pedestrian menu boards shall not exceed two square feet. Permanently displayed menus may be properly installed inside the business' window or in an approved wall-mounted or freestanding display case adjacent to the business entrance. There may be no more than one (1) menu board per establishment. To be eligible to display a menu board, an establishment must derive seventy-five (75) percent or more of its gross revenue from the sale of food or beverages. Overall maximum size for a menu board is three hundred sixty (360) square inches. Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in historic districts, River Improvement Overlay Districts, and historic landmarks as on premise signs provided permitting requirements of Chapter 28, section 28-17 are met. The name of the establishment ~~restaurant/nightclub~~ may not be displayed on the menu board if business has other signage ~~another sign~~ installed on premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign. All items listed on a menu board must be placed within the border of the menu board or within the display case. There may be no more than one pedestrian menu board per establishment unless there are two primary entrances to a building on different facades, in which case a pedestrian menu board for each entrance may be approved.

(9) I. Signage on Umbrellas or Street Furniture. Advertising brand name products may not be placed on umbrellas, tables, chairs, table decorations or other street furniture that are located on outdoor patio areas. Additionally, Nor may logos or wording of any kind may not be

placed on umbrellas, tables, chairs, table decorations or other street furniture that are located on outdoor patio areas.

(10) J. Directory Signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs. Directory signage may not exceed three (3) square feet ~~eighteen (18) inches by twenty-four (24) inches.~~

(11) K. Revolving Signs, Etc. Revolving signs, flashing lights, search lights and attention-getting devices, including, but not limited to, banners, festoons, paper and vinyl rope-like-banners are not permitted. Digital and/or LED lighted signs, with or without rotating, flashing lettering, full motion video, icons or images are also not permitted.

(12) L. Pole Signs. Blade signs hung from poles are allowed on the riverside of properties abutting the publicly owned river right-of-way as long as the pole height does not exceed seven (7) feet and the pole diameter does not exceed three (3) inches.

(13) M. Temporary Signage. Temporary signage may be permitted with prior approval of the historic preservation officer. Temporary is understood to mean less than thirty (30) days and shall apply, but not be limited to, real estate signage, construction signage, and special signage in lieu of permanent signage. Permanent signage shall meet all stipulations, as applicable, found in ~~of~~ this article.

~~**(14) N. Real Estate Signage.** Real estate signs shall meet the following standards:~~

~~Maximum size shall be four (4) square feet. Only one (1) sign will be permitted for each building for sale or lease that is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available. Certificates will not be required for real estate signage that follows the above guidelines. However, a permit from the department of development services is still required. Any variations from these standards must follow the procedures set forth in this article.~~

~~**(15) O. Construction Signs.** Construction signs shall be a maximum of eight (8) square feet. The historic preservation officer will permit only one (1) sign per construction project. The sign will be permitted to remain in place for the duration of the building permit.~~

~~**(16) P. Signs on Barges.** The director of parks and recreations will issue permits for one (1) approved symbol, logo, or sign to be temporarily placed on chartered barges for special events. The sign shall not exceed eight (8) square feet.~~

(14) (3) Prohibited Signs. No billboards, junior billboards, portable signs, posters or sandwich boards and advertising benches shall be allowed on the riverside of buildings abutting the river. Any sign, visual display, or graphic which is located in the River Walk area 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 this division. No sign, visual display or graphic shall be allowed in the River Walk area unless it is advertising or giving information concerning a business or activity that is located on the same lot as the sign, visual display or graphic.

(d) Installation. Signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure in a manner that will cause irreversible damage or loss, or is considered inappropriate under any applicable guidelines utilized by the office of historic preservation.

(e) Hardship Cases.

(1) Whenever the location, topography or configuration of any lot is such as will cause a hardship by the limitations placed on the signs permitted by this article due to sight distances, existing vegetation, location of buildings on adjacent lots, and/or the topography of the parcel, approval may be granted to either allow additional signage, or to increase the amount of building mounted sign area by not more than 25 percent.

(2) No additional signage shall be approved unless it is found that approval of the proposed application will not be of substantial detriment to adjacent property and that the character of the area will not be changed by the granting of additional signage.

(3) Any additional signage approval shall be limited to the applicant only, and shall not apply to any future tenant or business.

(f) Nonconforming Status. Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status upon review of all necessary city departments.

(g) ~~(q)~~ Violations in River Improvement Overlay Districts and on the River Walk. In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the historic preservation officer, the department of development services or park police shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the department of development services, park police or historic preservation officer may remove the sign within three (3) days after notification, and/or the department of development services, the historic preservation officer or park police may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(1) Dilapidated Signs – All signs shall be maintained in good working condition so as to present a neat and orderly appearance. The historic preservation officer, through the office of historic preservation, code compliance department, department of planning and development services or the park police may give written notice to remove or repair any sign which shows gross neglect or which becomes dilapidated. Failure to comply shall be considered a violation of this chapter, and the sign shall be removed at the owner's expense.

(2) Abandoned Signs – A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of Chapter 28. Such sign, if not removed within 30 days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed at the owner's expense. This does not include signs that are currently approved as contributing structures.

Chapter 35, Article VII, Section 35-708 is amended as follows:

35-708 Sexually Oriented Businesses.

(a) Establishment of Nonconforming Use Rights for Sexually Oriented Businesses.

* * * * *

(2) Type B Rights and Conforming Uses.

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B. The ninety-day time period prescribed within this subsection for the establishment of use rights may be extended, and an application accepted after the expiration of ninety (90) days, if the director of ~~planning and development~~ services determines that the use existed prior to the date of annexation, the sexually oriented business was operating in compliance with all applicable laws, and the failure to timely file the application for one (1) of two (2) classes of property use was not a result of gross negligence or conscious indifference. The director shall render his decision within thirty (30) business days of receipt of the application and shall transmit said determination to the applicant by certified mail, return receipt requested. The applicant may appeal an adverse determination by filing a written notice of appeal with the city-clerk within ten (10) days of the date of the decision of the director. The appeal must be filed by the authorized agent of the applicant. The Director of Development Services Department ~~city-clerk~~ shall

place said appeal on the city council agenda within sixty (60) days from the date notice is received.

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Chapter 35, Article VII, Section 35-712 is amended as follows:

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

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(b) Recognition of Statutory Rights

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(3) Basis for Statutory Rights

A. Master Development Plan (MDP)/Preliminary Overall Area Development Plan (POADP). Rights under V.T.C.A. Local Government Code Ch. 245 will be recognized on the project which is the subject of a MDP/POADP that has been approved by the city. A property owner or developer may elect to continue a project under the City Code provisions in effect on September 1, 1997 or to take advantage of changes to this chapter that enhance or protect the project without forfeiting any rights under this chapter provided that fair notice is provided with a MDP/POADP application in accordance with this chapter or by requesting recognition of rights for an existing and valid MDP/POADP and providing fair notice in accordance with this chapter. The rights recognized for projects located within an approved MDP/POADP will expire unless a final plat is approved within two (2) years from the approval of the MDP/POADP that plats, at least eight (8) percent of the net area of the POADP area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development is more than one thousand (1,000) acres.

Further, the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(j) ~~subsection 35-1027(i)~~ of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or city code provision. The filing of a minor amendment to a MDP/POADP, a

plat or a replat will not result in a loss of rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.

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

* * * * *

(d) Vested Rights Recognition Process Appeal. In the event an applicant for recognition of statutory rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the director of ~~the department~~ development services to the planning commission by filing a request for appeal with the director of ~~planning and~~ development services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. The application for appeal shall be made in writing and shall contain the applicant's rationale for requesting the appeal together with payment of an application review fee in the amount established by ordinance as set forth in Appendix "C". The director of ~~planning and~~ development services shall place the appeal on the planning commission agenda ~~of the planning commission~~ and the planning commission shall hold a hearing on the appeal and make its ruling within sixty (60) ~~forty-five (45)~~ days from the date the request for appeal was filed. The planning commission's review of the director's decision shall be based solely upon the same information as was available to the director and as provided to the applicant when the decision was made. ~~A rights appeal shall be based solely on the original approved application for the project notwithstanding subsection 35-404(e).~~ If the planning commission denies all or part of the relief requested in the appeal, the applicant may make a final appeal to the city council by filing a notice of final appeal in writing together with payment of an application review fee in the amount established by ordinance as set forth in Appendix "C" to offset the city's costs with the office of the city clerk no later than the tenth day following the party's receipt of the written decision of the planning commission from which the final appeal is brought. If the planning commission approves all or part of the relief requested in the appeal, the city manager or ~~her~~ designee may make a final appeal to the city council by filing a notice of final appeal in writing with the city clerk no later than the tenth day following the decision of the planning commission from which the final appeal is brought. The development services director ~~city clerk~~ shall schedule the hearing of the final appeal at the earliest regularly scheduled

meeting of the city council that will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

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(f) Variance Appeal. If the planning commission denies all or part of the relief requested in a request for variance, the applicant may make an appeal to the city council by filing a notice of appeal in writing together with a payment established by ordinance as set forth in Appendix "C" to offset the city's costs with the office of the city clerk for the city no later than the tenth day following the party's receipt of the written decision of the planning commission from which the final appeal is brought. If the planning commission approves all or part of the relief requested in a request for variance, the city manager or her designee may make an appeal to the city council by filing a notice of appeal in writing with the city clerk no later than the tenth day following the decision of the planning commission from which the final appeal is brought. The Director of Development Services ~~city clerk~~ shall schedule the hearing of the appeal at the earliest regularly scheduled meeting of the city council which will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

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Chapter 35, Article VII, Section 35-715 is amended as follows:

35-715. Modification to Project or Permit.

(a) Amendment to a Multi-Phase Project. A minor amendment to a multi-phase project is defined in subsection 35-412 (h) ~~(g)~~ (2) of this chapter. A determination of rights issued under this chapter or the rights acknowledged and recognized by that determination do not change when a minor amendment is made to a project.

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Chapter 35, Article VII, Section 35-716 is amended as follows:

35-716 . Completion of a Project or Permit.

(a) Project Completion.

(2) Further, an approved master development plan shall expire unless fifty (50) percent of the net developable area within the approved master development plan is the subject of a final plats or development within ten (10) years from the date of approval of the master development plan. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(j) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net

developable area within the master development plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance plan (see subsection 35-412 (h) ~~(g)~~ (2)), a plat, or replat will not result in a loss of rights or constitute an abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amount indicated above as a result of the amendment or replat.

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Chapter 35, Article VIII, Subsections 35-803 (b) and 35-803 (g) are amended as follows:

35-803 Historic and Design Review Commission.

* * * * *

(b) **Duties and functions.** The commission shall serve to assist in an advisory capacity to the City of San Antonio directors of parks and recreation, planning and community development, development services, code enforcement services ~~compliance~~, public works, arts and cultural affairs, office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

* * * * *

(g) **Meetings of the Commission.** The commission shall hold each regular meeting on the basis of not less than once each month, and more frequently if necessary, at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional special meetings may be called by the chairman, or upon written request to the historic preservation officer ~~planning director~~ signed by a majority of the members, when a matter requires urgent consideration of the commission. All meetings of the commission shall be open to the public in accordance with the Texas Open Meetings Act. 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 Texas Open Meetings Act. Minutes of the commission's proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.

Chapter 35, Article VIII, Section 35-805 is amended as follows:

35-805 ~~Planning Department and Administration.~~

The administrative official for the purposes of this chapter shall be the city manager, the deputy city managers, the assistant city managers, ~~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 and community development, public works, ~~and development services~~ and the historic preservation officer shall ordinarily administer

and enforce the provisions of this chapter. The ~~director of development services~~ director shall serve as staff to the planning commission, zoning commission, and the city council except where otherwise provided by this chapter. The ~~director of planning and community development~~ director shall serve as a regular technical advisor to the planning commission.

Chapter 35, Article VIII, Subsections 35-807 (b) (1) and 35-807 (b) (9) are amended as follows:

35-807. Planning Commssion.

(b) **Rules and Regulations.** The planning commission shall observe the following rules and regulations:

(1) The commission shall elect a chairman and vice chairman from its own membership who shall serve for a one-year term, but no person shall serve as chairman for more than two (2) consecutive terms. On the day of the election of officers, the chairman shall turn the meeting over to the ~~director of planning and community development~~ director who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election.

* * * * *

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

Chapter 35, Article VIII, Subsection 35-808 (l) is amended as follows:

35-808. Zoning Commssion.

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

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

Definitions and Rules of Interpretation.

35-A101. Definitions and Rules of Interpretation. ~~Generally.~~

(a) Generally.

Words, phrases and terms defined in this appendix shall be given the defined meaning as set forth below. Words, phrases and terms not defined in this chapter, but defined in the building code adopted by chapter 6 of the City Code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning. 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.

* * * * *

For purposes of the landscaping standards of this chapter, reference shall be made to American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), The American Standard For Nursery Stock, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900). In addition to the definitions set forth in Appendix "A" to this chapter, the following definitions shall apply to the regulation and control of landscaping within this section.

(b) Definitions.

Words with specific defined meanings are as follows:

1% annual chance floodplain, (formerly 100-year floodplain). The land within a community subject to a one (1) percent or greater chance of flooding in any given year. These areas are typically designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, or AO on FEMA Flood Insurance Rate Maps (FIRM Panels).

* * * * *

Accessory Use. A use of land or of a building or portion thereof that is subordinate to, incidental to, and customarily associated with a principal use and is operated primarily for the convenience of employees, clients or customers of the principal use, but does not attract separate trips.

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

* * * * *

Adjacent. Two (2) properties, lots or parcels are "adjacent" where they abut, or where they are nearby and are separated by a dissimilar type of manmade or geologic feature including but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between.

* * * * *

Adopted level of service. The level of service (LOS) standards adopted herein, as

referenced in subsection 35-502 (d) (e) of this chapter for a particular public facility. All applications are evaluated for the purposes set forth in this chapter in accordance with these adopted levels of service. The adopted level of service also provides a basis for the establishment or expansion of a public facility or service which is subject to subsection 35-502(d) (e) of this chapter.

* * * * *

Assisted living facility. An establishment that furnishes, in one or more buildings, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; provides personal care services, as defined by Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, or administration of medication by a person licensed or otherwise authorized in the state of Texas to administer the medication; and may provide assistance with or supervision of the administration of medication. The assisted living facility shall be licensed by the State of Texas under Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, and as amended, and shall comply with Chapter 123 Community Homes for Disabled Persons Location Act of the Texas Human Resources Code. A residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. Assisted living facilities may be equipped with a full kitchen in each living unit and may or may not also offer communal dining.

* * * * *

Bank, Credit Union. A depository lending institution regulated by the Texas Department of Banking, the Texas Credit Union Department and/or National Credit Union Association. A bank or credit union shall not include any business engaged in retail sales or any use that meets the criteria of a specified financial institution, as defined.

* * * * *

Boarding home facility—house. An establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services, as defined by Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, to those persons. Boarding home facilities shall comply with Chapter 254 Boarding Home Facilities of the Texas Health and Safety Code. A building other than a hotel where lodging is provided for definite periods for compensation pursuant to previous arrangements.

Business park. A development on a tract of land that contains a number of separate businesses, offices, light manufacturing facilities, accessory and supporting uses, and

common open space designed, planned, and constructed on an integrated and coordinated basis.

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

Cellular on Wheels (COW). A mobile wireless communication site that consists of a cellular antenna tower, electronic radio transceiver equipment and may include on-site generator mounted on a truck or trailer, designed to be part of a cellular network and deployed to provided expanded network capacity. COWs are generally deployed to provide expanded cellular network coverage and/or capacity at special events, major conventions, or in disaster areas where cellular coverage either was never present or was compromised by the disaster. COWs may also be used to provide expanded coverage in the short to medium-term when financial or infrastructure considerations prevent building a permanent site at the location in the short-term, but coverage is needed for engineering reasons. A COW may also be referred to as a cell-on-light-truck (COLT), site-on-wheels (SOW) or mobile tower unit (MTU).

Certificate of appropriateness. The certificate issued upon the recommendation of ~~the director of planning and development services~~ by the historic preservation officer after review and final approval of the various applications required herein which must be submitted to the historic and design review commission and for applications for ordinary maintenance and repair which do not require commission approval.

Check cashing facility. A person or business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company. For the purposes of zoning, a check cashing facility is classified as a specified financial institution.

Collocation, Wireless refers to the joint use and occupancy of a single existing antenna support structure (communications tower or monopole) by two or more wireless service providers who install individual antenna arrays at various heights to effectuate a wireless communication system. Collocation shall not include the modification of any existing antenna support structure for the installation of an antenna array above the permitted height for the zoning district in which the antenna support structure is located.

Community home. A facility ~~An entity~~ which complies with Chapter 123 Community Homes for Disabled Persons Location Act of the Texas Human Resources Code, and as amended; sections 123.005 through 123.008 and which is:

- A community-based residential home operated by: ~~(A)~~ the Texas Department of Mental Health and Mental Retardation; ~~(B)~~ a community center organized under Subchapter A, chapter 534, Health and Safety Code, that provides services to persons with disabilities; ~~(C)~~ an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or ~~(D)~~ an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- An assisted living ~~A personal care~~ facility licensed under Chapter chapter-247 of the Texas, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

See also § 35-376. ~~(Source: V.T.C.A Human Resources Code § 123.004).~~

* * * * *

Comprehensive Land Use Category. Land Use Categories designated in the comprehensive/master planning process. The following shall be the designated comprehensive land use categories for neighborhood, community and perimeter plans:

Low Density Residential Estate - includes large lot single-family detached houses on individual estate-sized lots or in conservation subdivisions. This form of development should be located away from major arterials, and can include certain non-residential uses such as schools, places of worship, and parks that are centrally located for convenient neighborhood access. Permitted zoning districts: R-20, RE, RP and RD.

Low Density Residential - includes single-family detached houses on individual lots at typical suburban densities. This form of development should be located away from major arterials, and can include certain non-residential uses such as schools, places of worship, and parks that are centrally located for convenient neighborhood access. Permitted zoning districts: R-5, R-6, NP-8, NP-10, NP-15, and UD.

Medium Density Residential - accommodates a range of housing types including single-family attached and detached houses on individual lots, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four dwelling units per building. Cottage homes and very small lot single family houses are also appropriate

within this land use category. Detached and attached accessory dwelling units such as granny flats and garage apartments are allowed when located on the same lot as the principal residence. Certain non-residential uses, such as schools, places of worship and parks, are appropriate within these areas and should be centrally located to provide easy accessibility. Permitted zoning districts: R-3, R-4, RM-4, RM-5, RM-6, MF-18 and UD.

High Density Residential - includes low-rise to mid-rise apartments with more than four dwelling units per building. High density residential provides for compact development including apartments, condominiums and assisted living facilities. This form of development is typically located along or near major arterials or collectors. Certain non-residential uses, such as schools, places of worship and parks, are appropriate within these areas and should be centrally located to provide easy accessibility. This classification may be used as a transitional buffer between lower density residential uses and nonresidential uses. High density residential uses should be located in a manner that does not route traffic through other, lower-density residential uses. Permitted zoning districts: MF-25, MF-33 and UD.

Very High Density Residential - includes mid-rise to high-rise apartments with more than four dwelling units per building. Very high density residential provides for apartments, condominiums and assisted living facilities at urban densities. This form of development is typically located along or near high capacity roadways including major arterials and collectors. Parking areas should be contained in structured parking garages beneath apartments, wrapped by apartments, or placed to the rear of the lot. Very high density residential development should be located in close proximity to compact, pedestrian-oriented retail and service uses. This classification may be used as a transitional buffer between lower density residential uses and nonresidential uses. Very high density residential uses should be located in a manner that does not route traffic through other, lower density residential uses. Permitted zoning districts: MF-40 and MF-50.

Office – includes medium-intensity professional, personal, business, and non-profit uses that provide services to the local community, or house small to medium sized

administrative functions for local, regional, national, and international entities. Examples of office uses include attorney offices, dentist or physician offices, administrative offices of construction or engineering firms, computer training centers, and local non-profit housing provider headquarters. Office uses should be found on, or adjacent to, arterials. Permitted zoning districts: O-1, O-1.5 and O-2.

Neighborhood Commercial – includes smaller intensity commercial uses such as small-scale retail or offices, professional services, convenience retail, and shop front retail that serves a market equivalent to a neighborhood. Neighborhood commercial uses should be located at the intersection of residential streets and arterials, and within walking distance of neighborhood residential areas, or along arterials where already established. Permitted zoning districts: NC, C-1, and O-1.

Community Commercial – includes offices, professional services, and retail uses that are accessible to bicyclists and pedestrians. This form of development should be located at nodes on arterials at major intersections or where an existing commercial area has been established. Parking areas should be located behind the building, with the exception of one row of parking facing the street. Additionally, all off-street parking and loading areas adjacent to residential uses should include landscape buffers, lighting and signage controls. Examples of Community Commercial uses include cafes, offices, restaurants, beauty parlors, neighborhood groceries or markets, shoe repair shops and medical clinics. Permitted zoning districts: O-1.5, C-1, C-2, C- 2P and UD.

Regional Commercial - includes high density land uses that draw customers from a larger region. Regional Commercial uses are typically located at intersection nodes along expressways or major arterial roadways or adjacent to high-capacity mass transit system stations. These commercial nodes are typically 20 acres or greater in area. Regional Commercial uses should incorporate well-defined entrances, shared internal circulation, limited curb cuts to expressways and arterial streets, sidewalks and shade trees in parking lots, landscaped yards between the parking lot and street, and well-designed, monument signage. Examples of Regional Commercial uses include movie

theaters, wholesale plant nurseries, automotive repair shops, fitness centers, home improvement centers, hotels and motels, mid to high rise office buildings, and automobile dealerships. Permitted zoning districts: O-1.5, O-2, C-2, C-2P, C-3 and UD.

Mixed Use – includes a concentrated blend of residential, retail, professional service, office, entertainment, leisure and other related uses at urban densities to create a pedestrian-oriented environment. Mixed Use incorporates high quality architecture and urban design features such as attractive streetscapes, parks/plazas, and outdoor cafes. Parking areas should be located behind buildings. This classification requires a mix of uses in the same building. Examples of Mixed Use uses include small offices (dentists, insurance professionals, non-profits, etc.), small retail establishments (cafes, shoe repair shops, gift shops, antique stores, hair salons, drug stores, etc.) and high-density residential uses. Permitted zoning districts: MXD, MPCD, TOD and FBZD.

Business/ Office Park - includes medium to large sized buildings that house professional, administrative, light manufacturing, and/ or warehousing functions for local, regional, national, and international entities. Development in this category should take the form of a cohesive, campus setting where buildings are interspersed with open space and connected with pedestrian walkways. Uses in this category should be separated from residential areas with landscape buffers and feature monument signs and lighting that is oriented away from adjacent sites. Permitted zoning districts: BP, L, O-1.5 and O-2.

Light Industrial – includes a mix of manufacturing uses, business park and limited retail/service uses that serve the industrial uses. Industrial uses should be screened and buffered from adjoining non-industrial uses. Any outside storage must be under a roof and screened from public view. Examples of industrial uses include drug laboratories, furniture wholesalers, lumberyards, tamale factories and warehousing. Permitted zoning districts: BP, L, MI-1 and I-1.

Heavy Industrial – includes heavy manufacturing, processing and fabricating businesses. Heavy industrial uses shall be concentrated at arterials, expressways, and

railroad lines. This use is not compatible with residential uses and should be separated from residential uses by an intermediate land use or a significant buffer. Examples of heavy industrial uses include auto manufacturing, battery manufacturing, and petro chemical bulk storage. Permitted zoning districts: I-2 and MI-2.

Agricultural – includes crop agriculture, ranching, and related agribusiness practices. Single-family detached houses and detached accessory dwelling units are permitted on agricultural and ranch lands at very low densities or in conservation subdivisions that will not interfere with agricultural operations. Limited commercial uses directly serving agricultural uses, such as farmers markets, nurseries, and bed and breakfasts, are permitted. To maintain scenic qualities, natural vegetative buffers, deeper setbacks, increased signage control, earthen drainage channels, and more restrictive access management standards are desired along major scenic corridors. Flood plain protection and buffer zones along creeks and rivers are instrumental in retaining rural character. Permitted zoning districts: RP and FR.

Public/Institutional – includes public, quasi-public, utility company and institutional uses. Examples include public buildings (government, post offices, libraries, social services, police and fire stations), schools, religious facilities, museums, fraternal and service organizations and hospitals.

Parks/Open Space - includes large, or linear, unimproved land where conservation is promoted and development is not encouraged due to presence of topographic constraints or institutional uses on the site. Parks /Open Space include flood plains, utility corridors, public and private land uses that encourage outdoor passive or active recreation. Examples include City pocket, regional, or linear parks, as well as private parks associated with subdivisions and neighborhood associations.

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Concentrated animal feeding ~~deeding~~ operation (CAFO). See 40 C.F.R. part 122 and Texas Water Code § 26.048.

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CRAG area. The Community Revitalization Action Group target area as designated by the 36 square mile territory located inside the 1940 San Antonio corporate boundaries.

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Director. The director of ~~planning and~~ development services or his designee except where otherwise specified within this chapter.

Director of building inspections. The director of ~~planning and~~ development services or his designee.

Director of planning and development services. The director of ~~planning and~~ development services or his designee.

Director of planning. Director of planning and community development or his designee.

Director of public works. The director of public works or his designee.

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Dwelling, College Fraternity or Sorority (Off Campus). A building, containing the general facilities and sleeping rooms for members of a fraternity or sorority officially chartered by a national organization and/or a college or university located in Bexar County, that is not located on the campus of the college or university. This use may also include an on-site caretaker.

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Family. One (1) 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. The term family expressly excludes residents of an assisted living facility, community home, college fraternity or sorority, transitional home, or nursing facility as defined.

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Fence. A tangible enclosure or barrier, constructed of any material allowable by this chapter, but not including hedges, shrubs, trees, or other natural growth, erected for the purpose of providing a boundary, separation of areas, means of protection, to prevent uncontrolled access, decorative purposes, or concealment. Retaining walls shall not be considered fences.

Fence (predominantly open). A fence constructed so that its surface area, calculated as the square of its heights and applicable length, is constructed with seventy (70) percent of its surface area as open voids to permit circulation of air and visibility through the fence.

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Flex space. ~~A building designed to accommodate a combination of office, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs over time. Flex space buildings are typically located in business or industrial parks and usually have a footprint exceeding ten thousand (10,000) square feet. They are usually designed with loading docks to the rear and parking in the front. The front facade is often treated with a higher quality of architectural finish than the rear and sides.~~

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Greenhouse. A structure constructed of translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

Hotel. ~~A building/buildings 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.~~

Housing facilities for older persons. See 35-373(e).

Ingress/Egress Easement. ~~A recorded irrevocable easement granted A grant of one (1) or more of the property rights by the property owner to a named beneficiary for the purpose of access and/or the use of ingress/egress by the public. The easement as well as any improvements or maintenance associated with the easement The property as well as the street improvements shall be the responsibility of the property owner(s).~~

~~**Institution for children or the aged.** An establishment providing residence and care for children or the aged.~~

Land use assumptions. Description of the service area and projections of changes in projected wastewater, land uses, densities, intensities, and population in the service area over at least a 10-year period demand contained in the land use assumptions plan.

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Loan Office. An office that provides installment loans, originated and serviced locally, with repayment terms over a fixed period of time with a set number of scheduled payments of principal and interest. A loan office provides services to clients by appointment only or via internet or telephone. Examples include mortgage lenders, signature loans and student loan companies. A loan office shall not include any use that meets the criteria of a specified financial institution, as defined.

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Lot, 900 series. These lots specifically exclude the construction of all residential and non-residential structures. The series is designed to allow for designation of permeable or impermeable open space and may include but not be limited to parkland required by § 35-503, stormwater management facilities, water quality ponds, driveways, gazebos, playgrounds, private streets, utility easements and private ingress/egress easements.

Lot, reversed corner. A corner lot, the exterior side lot line of which is a continuation of the front lot line of the lot abutting immediately to the rear. ~~A corner lot, the rear of which abuts upon the side of another lot whether across an alley or not.~~

~~**Miniwarehouse/self-service storage facility.** 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.~~

~~**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.~~

Nightclub. A tavern with more than two thousand (2,000) square feet of building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provision of alcohol, a dance hall, food services, and/or live entertainment as an accessory use when conducted less than 3 days per week.

Nursing facility. A facility which furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry; and which complies with Chapter 242 Convalescent and Nursing Homes and Related Institutions of the Texas Health and Safety Code, and as amended. Nursing facilities include skilled nursing facilities which are defined by the United States Social Security Act Sec. 1819. 42 U.S.C. 1395i-3.

~~**Office.** A structure or portion of a structure used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, including such activities as providing day-to-day office administrative services, financial management, billing, record keeping, personnel administration and logistics and which that may~~

~~include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.~~

Office – Professional. Facilities used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, including such activities as providing day-to-day office administrative services, financial management, billing, record keeping, personnel administration and logistics for the provision of services that normally require a license, registration or certification issued by the city or state such as but not limited to architects, engineers, landscape architects, physicians, dentist, ophthalmologist, accountants, appraisers, realtors.

Office Warehouse/Flex space A building designed to accommodate a combination of office, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs over time. Flex space buildings are typically located in business or industrial parks and usually have a footprint exceeding ten thousand (10,000) square feet. They are usually designed with loading docks to the rear and parking in the front. Building facades visible from public streets and public entries are often treated with a higher quality of architectural finish than the other sides.

Open space. An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include but need not be limited to; lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways and water courses. (The computation of open space shall not include driveways, parking lots, ingress or egress easements or other surfaces designed or intended for motorized vehicular traffic, or to buildings.) The term "open space" also includes any land, water, or submerged land which is provided for, preserved for, or used for (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) cultural, historic or scenic purposes, (iv) assisting in the shaping of the character, direction, and timing of community development, or (v) wetlands.

Oversized vehicle. A motor vehicle, trailer, or boat which by itself or together with other structure(s) or vehicle(s) attached to it exceeds any one of the three following dimensions: twenty-four (24) feet in length, eight (8) feet in width or eight (8) feet in height, exclusive of appurtenances such as antennas, air conditioners, luggage racks, and mirrors.

Pay-day loan agency. An establishment providing loans to individuals in exchange for personal checks as collateral. For the purposes of zoning, a pay-day loan agency is classified as a specified financial institution.

~~**Petro-chemical bulk storage.** A heavy industrial use sometimes referred to as "tank farms", "bulk facility" or "fuel depots". Petro-chemical bulk storage is a facility consisting of one (1) or more tanks used for the storage or warehousing of petro-chemicals for distribution to off-site receivers by pipeline, trucking or rail service. Petro-chemical bulk storage provides no on-site retail sales to the general public of any of its products~~

Planting Strip. The area within the street right-of-way between the constructed curb and the sidewalk.

Retaining wall. A structure constructed and erected between lands of different elevations to protect structures and/or prevent erosion. A retaining wall shall not be considered a fence.

Rooming house. A facility where lodging is provided for definite periods 30 days or longer, for compensation, pursuant to previous arrangements. Lodging for less than 30 days is classified as a different use, such as hotel or bed-and-breakfast. ~~See Boarding house.~~

Self-service storage facility. A storage enterprise dealing with the reception of goods of residential or commercial orientation that 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.

Sexually oriented business.

- (3) Adult entertainment establishment means a nightclub, bar, restaurant "bottle club", "men's club", "gentlemen's club", "cabaret" or similar place of business, or portion thereof where live entertainment is provided for patrons, whether or not alcoholic beverages are served which features as a significant portion of the entertainment ~~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 nudity or semi-nudity of person(s) employed by or associated with the operation of the business, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

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Sexually oriented business regulations. See section 35-38835-391 of this chapter.

* * * * *

Sidewalk setback. The area within the street right-of-way reserved for street furniture including fixed or movable objects such as mailboxes, utility poles, travel control devices, street trees, trash and recycling containers.

Skilled nursing facility. ~~An institution (or a distinct part of an institution) which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases. Nursing facilities offer the highest intensity level of long term care and are characterized primarily by the need for twenty-four hour nursing care. Few persons enter a nursing facility as a matter of choice. Skilled nursing facilities do not contain full kitchens in the living units and residents are served meals in their rooms or a communal dining facility.~~

* * * * *

Specified Financial Institution. Any business whose primary function is to lend money on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, anticipated tax refund, vehicle title or tax-liened property; or to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds on a deferred-deposit basis. A specified financial institution may offer walk-in service or may serve clients via internet or telephone. The term "specified financial institution" includes without limitation the following uses: check cashing facilities as well as agencies that provide pay-day loans, vehicle title loans, refund anticipation loans or tax-lien loans. This term shall not include financial institutions regulated by the Texas Department of Banking, the Texas Credit Union Department or National Credit Union Association. Further this term shall not include either:

1.) A retail establishment engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks, issue money orders or money transfers for a minimal flat fee as a service that is incidental to its main purpose as a retail business, or

2.) A professional office primarily engaged in tax preparation services that provides refund anticipation checks for a minimal flat fee incidental to its main purpose as a tax preparer.

See also City Code Chapter 16, Article XVII related to refund anticipation loans.

* * * * *

Traditional neighborhood development regulations. See section 35-207 35-201 of this chapter.

* * * * *

Transitional home. A residential facility, ~~differentiated from facilities~~, sometimes referred to as a rehab center and/or half-way house, which provides on-site supervised lodging for individuals who are required to reside at the facility as a term of parole or under mandatory supervision.

* * * * *

Wireless communication standards. See section 35-385 35-388 of this chapter.

* * * * *

(c) Abbreviations.

Abbreviations

ADA *Americans with Disabilities Act, 42 USC Subsection 12181 et seq., Pub. L 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36.*

* * * * *

Chapter 35, Appendix B, Section 35-B101.is amended as follows:

35-B101. - Specifications for Documents to be Submitted.

* * * * *

- (c) Information Required. No application for development approval shall be accepted unless the following information and data required is included. The required information and data is set forth in Table B-1, below, and any specific regulations set forth in section 35-B102 et seq. An asterisk (*) indicates that the item listed in the row heading is required for the item listed in the column heading.

TABLE B101-1

* * * * *

	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
	(A) Material/Information	<i>Master Development Plan</i>	<i>PUD Plan</i>	<i>Major Plat Application</i>	<i>Minor Plat Application</i>	<i>Development Plat Application</i>	<i>Specific Use Authorization</i>
F.	PLANNING						
	* * * * *						
	(27)Historical/Archaeological Survey Report	*	*	*	*		
	(28) <u>An exhibit indicating the area of each lot in square feet for all single family lots</u>			*	*		

G.	DESIGN						
----	--------	--	--	--	--	--	--

* * * * *

Chapter 35, Appendix B, Section 35-B121.is amended as follows:

35-B121 Subdivision Plat Applications.

* * * * *

b) **Format.** Plats shall be drawn in ink on Mylar on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2½) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred (100) feet to one (1) inch unless the director of ~~planning~~ and development services approves a smaller scale. Plats that include one-half (½) acre or less in area shall be drawn at a scale of fifty (50) feet to one (1) inch. The plat boundary line shall be a solid continuous line type with a heavy pen weight to distinguish said boundary line from all other lines. 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.

(c) **Contents.** The plat applications shall include the following:

- (1) All of the information required by Table B-1 of this appendix.
- (2) A performance agreement, if one is required by section ~~35-437~~ 35-436.
- (3) The tax certificates and letters of certification required by section 35-431.
- (4) The plat number issued by the department of ~~planning~~ and development services in the upper right corner, scale, north arrow, and date.
- (5) The name of the subdivider and the name of the record owner of the land involved.
- (6) Location of the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part giving the dimensions of the subdivision.
- (7) The primary control points, approved by the 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 four (4) points on the perimeter of the subdivision, identified by coordinates that relate to the state plane coordinate system.
- (8) The tract boundary lines, the exact location and width of all existing or recorded streets, easements, and other rights-of-way intersecting the boundary or streets, easements, and other rights-of-way forming the boundary of the tract being subdivided, and property lines of residential lots and other sites with accurate dimensions, bearing or deflecting angles and radii, area, and central angles of all curves.
- (9) Final contour data to show drainage of the site of the proposed subdivision. If the average grade of the site is five (5) percent or less, the maximum contour interval to be used shall be two (2) feet. If the average grade exceeds five (5) percent, the maximum contour interval may be increased to five (5) feet.

- (10) The name and width of each public and private street or other right-of-way in or adjacent to the subdivision. The right-of-way width on all streets and safety lanes shall be displayed by an overall dimension. The dimensions of the division of the right-of-way on public streets between the centerline of the right-of-way and respective adjacent property line shall be shown. Also, private streets and safety lanes shall be designated as such.
- (11) The name of the subdivision (no more than thirty-five (35) characters), legal description of the property, and a number to identify each lot or site.
- (12) Location, dimensions, and purpose of any easement or reservation and location of any high-pressure 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." All easements created by the plat shall be graphically illustrated on the plat to scale and shall be labeled with the purpose of the easement; and designated as public or private. All existing easements shall be labeled with a reference to the official recording document number and page, the type of easement and the grantee. Use of any abbreviations shall be explained in plat notes.
- (13) Front and side setback lines adjacent to streets, where required.
- (14) The city limits line and the extraterritorial jurisdiction line if either traverses the subdivision.
- (15) The location map indicating the location of the plat in relation to adjacent streets and at least two (2) major thoroughfares in the vicinity.
- (16) Locations and dimensions of any potential recharge features which have been assessed as a high concern feature as designated in the 1987 Report entitled "The Edwards Aquifer: Perspectives For Local and Regional Action" or the latest adopted revision of the assessment chart used to assess such features.
- (17) The county clerk's certificate of authentication as required by the applicable county.
- (18) Wastewater EDU note. The number of wastewater equivalent dwelling units (EDUs) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the department of ~~planning~~ and development services.
- (19) Plat name shall include the name of the subdivision, the phase, section and/or unit number if applicable and if the subdivision is other than a conventional subdivision the type of development e.g. "ABC Subdivision [Unit # if applicable] a [Planned Unit Development, Town home Subdivision, Form Based Development, Enclave Subdivision, Master Planned Community District, Conservation Subdivision, Manufactured Home Subdivision, Manufactured Home Community, Recreational Vehicle Park, Tax Increment Finance Subdivision, or other subdivision type. The following acronyms may be used to shorten the plat name as applicable: PUD, FBZD, MPCD, TIF, provided however, the type of subdivision shall be clearly identified on the plat. ~~Plat name. The term "planned unit development shall be included in the name of each plat.~~
- (20) Plat notation. A plat which includes common areas, private infrastructure, or private facilities to be maintained by a property owners community association shall be annotated with the following note: "A legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities designated on this plat is being recorded on the same date as this plat."
- (21) If applicable, an original variance request, the variance fee and a written response from the director as required by section 35-483.

(22) All notes placed on the proposed plat shall be approved by a certifying and/or reviewing agency and the planning and development services director for form and content. All notes shall be subject to review by the city attorney or the city attorney's designee for legal sufficiency.

(23) Private infrastructure. All private infrastructure and amenities created by the plat, including but not limited to storm water management, parks, open spaces, common areas, landscaping, easements, streets and alleys must be dedicated to an appropriate entity with the power and authority to maintain the improvements. The legal instrument providing for permanent maintenance of the common areas/facilities by said entity shall be recorded prior to or contemporaneously with the plat.

* * * *

(f) Certification and Forms.

* * * * *

(3) Form C: 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, except areas identified as private or part of an enclave or planned unit development, 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 _____

, _____

.

Notary Public,
Bexar County, Texas

* * * * *

(6) Form F: Performance Agreement.

~~Copy To:~~ _____ (Name)

_____ (Address)

_____ (City and 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 and~~ Development Services 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 and County if Applicable, or until I have filed with the Finance Department for City Clerk of the City of San Antonio one (1) of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval and shall be payable to the City of San Antonio. 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 ~~Planning and~~ Development Services, 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 Appendix ~~Exhibit~~ B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of ~~Planning and~~ Development Services, 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 and~~ Development Services.

(4) An irrevocable standby letter of credit drawable in the State of Texas on a federally insured commercial bank and meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Appendix ~~Exhibit~~ B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of ~~Planning and~~ Development Services, of the uncompleted and unaccepted site improvements. The irrevocable letter of credit shall not expire prior to three years from the date of plat approval.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, irrevocable standby 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 ~~Planning and~~ Development Services. 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 ~~Planning and~~ Development Services at the end of each period of such delay.

I further fully understand and agree that, ~~at the end of each one-year period~~ periodically until the expiration of three (3) years from the date of plat approval, the Director of ~~Planning and~~ Development Services 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 ~~Planning and~~ Development Services 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 ~~Planning and~~ Development Services within thirty (30) days of the request for same, I understand and agree that the Director of ~~Planning and~~ 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 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 ~~Planning and~~ Development Services shall refuse to accept a performance guarantee, under any form, which is related to ~~the a plat of a subdivision~~ in which I have a ~~principal or subsidiary an~~ 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 all site improvements same accepted by the City and recorded the plat, or requested a time extension for plat recordation and provided an appropriate approved performance guarantee.

Executed this _____ day of _____, _____.

_____ Subdivider

By: _____

Title: _____

* * * * *

(8) Form H: Performance Bond.

State of Texas §

§ Known all men by these presents:

County of Bexar §

Performance Bond

<u>Subdivider:</u>	
<u>Surety:</u>	
<u>Surety's Texas Address for Demand:</u>	
<u>Surety's Phone Number</u>	
<u>Bond Amount:</u>	
<u>Subdivision Plat</u> (No. and Name):	
<u>Date of Planning Commission Approval:</u>	
<u>Site Improvements:</u>	

This Performance Bond is given to the City of San Antonio in satisfaction of the guarantee of performance requirements of Article 4 of the Unified Development Code of the City of San Antonio. The rights and obligations of Subdivider, Surety, and the City of San Antonio are governed by the terms and conditions set forth on **Exhibit A**, which is incorporated into this bond for all purposes as if fully set forth.

In Witness Whereof, the parties have caused their representatives to set their hands.

<u>/Subdivider Name/</u> , a Texas corporation	<u>/Surety Name/</u> , a Texas corporation
By: _____	By: _____
<u>Printed</u> Name: _____	<u>Printed</u> Name: _____
Title: _____	Title: _____
Date: _____	Date: _____
	<u>Attorney-in-fact</u>

Approved and accepted this _____ day of _____, _____.

City of San Antonio,
a Texas municipal corporation

By: _____

Printed Name: _____

Title: _____

Date: _____

City Attorney

(ATTACHMENT: Power of Attorney)

Exhibit A: Performance Bond Terms and Conditions

Whereas, the Subdivider petitioned the Planning Commission of the City of San Antonio for permission to develop a subdivision within the jurisdiction of the City;

Whereas, the Subdivision Plat, which shows the subdivision, was approved by the Planning Commission on the Date of Planning Commission Approval;

Whereas, the City's Unified Development Code ("UDC") requires that the site improvements ("Site Improvements") set out below be completed by Subdivider in conformance with the UDC within three years from the Date of Planning Commission Approval;

Whereas, the UDC requires 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 years of the date on which the plat was approved; and

Whereas, the Subdivider has elected to provide to the City of San Antonio such a guarantee of performance in lieu of waiting to record the Subdivision Plat until all Site Improvements have been completed.

Now therefore, the Subdivider, as principal, and Surety, as surety, jointly and severally guarantee to the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas ("City"), full payment of the Bond Amount if the required Site Improvements are not completed and accepted by City within three years of the Date of Planning Commission Approval or such extended deadline for performance as Subdivider may obtain in conformity with the UDC. Subdivider and Surety bind themselves and their respective heirs, administrators, executors, and assigns, jointly and severally, firmly to this bond.

If the Site Improvements are not timely completed, the City of San Antonio need only make written demand on the Surety at the Surety's Address for Demand for City's estimate of the cost of completing the Site Improvements. The Demand cannot exceed the Bond Amount. If the City demands less than the full Bond Amount but is unable to complete the Site Improvements, it may make multiple draws until the Site Improvements are completed or until it has drawn the full Bond Amount. If upon completion of the Site Improvements City still has unspent Surety funds, City must refund the unspent funds to Surety.

Changes in the nature or extent of Site Improvements do not impair Surety's obligations, but nothing increases the Bond Amount without Surety's written consent.

If, within three years of the Date of Planning Commission Approval or such extended deadline for performance as Subdivider may obtain in conformity with the UDC, Subdivider constructs or causes to be constructed the Site Improvements according to the requirements of the UDC, then this obligation terminates. Otherwise the obligation under this bond remains in full force and effect.

State of Texas <input checked="" type="checkbox"/> _____ County of Bexar <input checked="" type="checkbox"/>
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 Unified Development Code requires that the site improvements set out below be completed by the subdivider in conformance with the standards established by the code within three (3) years from the date on which the plat was approved; and
Whereas, the aforesaid code requires 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 _____, construct or cause to be constructed the above mentioned improvements in accordance with the requirements of the City of San Antonio Unified Development Code, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.
Type of Site improvement:
Streets \$ _____ Sidewalks \$ _____ Sanitary Sewers \$ _____ Alleys \$ _____ Storm drainage \$ _____ Water \$ _____ Other (specify) \$ _____
The parties acknowledge that this agreement is entered into in San Antonio, Bexar County, State of Texas. The construction of this agreement and the rights, remedies, and obligations arising thereunder are governed by the laws of the State of Texas. The parties hereby agree that the Texas conflicts of law rules do not control this agreement and will not be used to cause the application of the laws of a jurisdiction other than Texas. The obligations performable by both parties are performable in San Antonio, Bexar County, Texas.
In testimony whereof, witness our hand and seal this _____ day of _____, _____.

<i>Subdivider and Principal</i>
By: _____ Title: _____
By: _____ Attorney-in-fact
Approved and accepted this _____ day of _____, _____.
City of San Antonio
By: _____ Title: _____
Approved as to form: _____

Office of the City Attorney
(ATTACHMENT: Power of Attorney)

(9) Form J: Trust Agreement.

**City of San Antonio Trust Agreement Securing Subdivider's
Performance of Development-Related Obligations.**

This Trust Agreement is entered into among Subdivider, Trustee, and City as of the
effective date stated below.

Subdivider:

Subdivider's Address:

**Trustee Name and Texas
Address:** Trust Institution as
defined by the Texas Finance
Code, Title 3, *Financial
Institutions and Businesses,*
Subtitle F

Trustee's Phone Number:

City: City of San Antonio

City's Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Development Services)

Trust Amount:

Subdivision Name:

Plat No.:

County:

1. This is a Trust Agreement Securing Subdivider's Performance of Development-
Related Obligations under the Unified Development Code of the City of San Antonio,
Texas ("UDC"). The Terms and Conditions of Subdivider Trust Agreements ("Terms
and Conditions") contained in the UDC are incorporated into this Agreement for all
purposes as if fully set forth. A copy of the Terms and Conditions are attached for
convenience, but in case of a conflict, the text of the UDC controls. If the terms and
conditions contained in the UDC change during the pendency of this trust, the terms and

conditions in effect at the beginning of this trust continue to govern it unless all parties agree otherwise in writing.

2. Subdivider and Trustee each acknowledge receipt of the Terms and Conditions of Subdivider Trust Agreements contained in the UDC.

3. Subdivider has delivered to Trustee the Trust Amount in immediately available funds and U.S. currency. Trustee acknowledges receipt of the Trust Amount in immediately available funds and U.S. currency and accepts the obligations of this Trust as set out in the Terms and Conditions of Subdivider Trust Agreements contained in the UDC.

In Witness Whereof, the parties have caused their representatives to set their hands to be effective as of the following effective date:

Effective Date: _____

City of San Antonio,
a Texas municipal corporation

/Subdivider/,

By: _____

By: _____

Printed
Name: _____

Printed
Name: _____

Title: _____

Title: _____

Approved As To Form:

City Attorney's Office

/Trustee/,
a "Trust Institution" as defined by the Texas Finance Code, Title 3. *Financial Institutions and Businesses, Subtitle F*

By: _____

Printed
Name: _____

Title: _____

Terms and Conditions of Subdivider Trust Agreements

1. Scope of Terms and Conditions.

These terms and conditions govern all Trust Agreements Securing Subdivider's Performance of Development-Related Obligations that are entered into under the Unified Development Code of the City of San Antonio, Texas.

2. Subdivider Undertaking.

Subdivider pledges to City to fulfill its infrastructure-related obligations arising from the Subdivision independently of this Trust. This Trust is merely intended to secure Subdivider's obligations, not replace or satisfy them.

3. Trust, Withdrawals.

Trustee must hold the Trust Amount in trust for City to secure Subdivider's infrastructure-related obligations arising from the Subdivision. All withdrawals must be approved by the Director of Development Services, and may be withdrawn as follows:

By Subdivider:

Subdivider may withdraw from the Trust Amount when 50% or more of the remaining cost estimate has been completed and approved in writing by the Director of Development Services. The Director of Development Services shall not approve any withdrawal until subdivider delivers an engineer's certification, from a licensed engineer in the state of Texas, attesting to the accuracy of the dollar amounts of the construction cost of the remaining improvements. Subdivider may not withdraw more than four times (not to include a one time substitution approved by the director of development services upon the granting of a time extension) during the life of the trust. In no event shall the amount of the trust be less than twenty (20) percent of the total amount of the original cost estimate until all improvements have been completed and approved.

To make a withdrawal, Subdivider must deliver to Trustee a Draw Request Form signed by the Subdivider and Director of Development Services acknowledging completion of some or all of Subdivider's infrastructure-related obligations. Draw Request Forms shall be substantially in the same form as Form V in Appendix B of the Unified Development Code. Developer's and City's acknowledgment must state the dollar value of the completed infrastructure-related obligations.

By City:

City may withdraw from the Trust Amount to complete Subdivider's infrastructure-related obligations if Subdivider has failed to timely fulfill those obligations. Trustee must honor any attempted draw by the City if the draw is in writing and represents to the Trustee that Developer has failed or refused, or anticipatorily breached its obligation, to timely complete its infrastructure-related obligations arising from the Subdivision. City may withdraw as much as is reasonably necessary to fulfill Subdivider's infrastructure-related obligations arising from the Subdivision. City may make multiple draws. Draw Request Forms shall be substantially in the same form as Form W in Appendix B of the Unified Development Code.

4. Accounting by City.

If City withdraws any part of the Trust Amount, within 60 days of completing Subdivider's infrastructure-related obligations arising from the Subdivision, City must deliver to Subdivider an accounting of the money spent. Subdivider acknowledges that the statutory formalities applicable to contracting by City may make the City's cost of completion higher than that Subdivider would have incurred had it completed the work itself.

5. Federal Deposit Insurance.

Trustee must keep the Trust Amount in an interest-bearing account or accounts at federally-insured commercial bank or banks. Trustee must spread the Trust Amount over as many different institutions as necessary to assure the entire Trust Amount is covered by federal deposit insurance.

6. Termination of Trust.

This Trust Agreement terminates only when the City delivers a written release of trust to Trustee, with a copy to Subdivider. City has 45 days after engineering certification, including seal, of completion of Subdivider's infrastructure-related obligations arising from the Subdivision in which to deliver a written release of the trust. If City fails to do so timely, Subdivider may sue for a release of the trust.

7. Interpleader.

If Trustee is joined as a party to a lawsuit arising out of this Trust, Trustee may interplead the funds remaining in Trust with any court of competent jurisdiction in Bexar County, Texas. Upon so doing, Trustee is absolved of liability both to City and to Subdivider for all sums interpleaded and for all sums previously paid to City under this Agreement. Upon depositing the funds into the court registry pursuant to an interpleader, Trustee is entitled to recover from the sums deposited its reasonable and necessary attorneys fees actually incurred in making the interpleader.

8. Integration.

Subdivider may contract separately with Trustee regarding all aspects of this trust relationship not covered by this agreement, including Trustee's fees and any indemnity

Trustee may wish to be provided, but not such agreements may contradict this Agreement or impair the city's rights under it. This Agreement is a fully integrated statement of City's rights as to Trustee and Subdivider. There are no oral or other written agreements to which City is a party governing the terms of this trust. Without limiting the generality of the above, City need not pay any fee to Trustee, and City cannot lawfully, and will not, indemnify Trustee in any respect.

9. Public Information.

All parties acknowledge that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public. Nothing in this agreement waives an otherwise applicable exception to disclosure.

10. Prohibited Interests in Contracts.

10.01. The Charter of the City of San Antonio and its Ethics Code prohibit a City officer or employee, as defined in Section 2-52 of the Ethics Code, from having a financial interest in any contract with the City or any City agency such as city owned utilities. An officer or employee has a "prohibited financial interest" in a contract with the City or in the sale to the City of land, materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale:

(i) a City officer or employee;

(ii) his parent, child or spouse;

(iii) a business entity in which the officer or employee, or his parent, child or spouse owns (i) 10% or more of the voting stock or shares of the business entity, or (ii) 10% or more of the fair market value of the business entity;

(iv) a business entity in which any individual or entity above listed is a (i) subcontractor on a City contract, (ii) a partner, or (iii) a parent or subsidiary business entity.

10.02. Subdivider and Trustee each warrant and certify as follows:

(i) They and their respective officers, employees and agents are neither officers nor employees of the City.

(ii) They have tendered to the City a Discretionary Contracts Disclosure Statement in compliance with the City's Ethics Code.

10.03. Subdivider and Trustee acknowledge that City's reliance on the above warranties and certifications is reasonable.

(9) Form J-1: Trust Agreement Draw Request Form (Subdivider)

Draw Request Form (Subdivider)

Date:

Plat No.:

Subdivider's Name:

Address:

Phone Number:

Trustees' Name:

Address:

Phone Number:

Escrow Total (Start of Trust): _____ 20% Reserve Amount: _____

Escrow Total (Current): _____ Total Request for this Draw: _____

<u>Construction Item</u>	<u>Previous Draw Totals/Amounts</u>	<u>Request for this Draw</u>

I hereby certify that all the information stated herein is true and accurate, and is based on construction costs bearing the signature and seal of a licensed engineer in the state of Texas (original cost estimate and cost estimate for remaining work attached). This draw request is submitted for reimbursement of funds. All completed work has been done in accordance with the standards and procedures outlined in the City of San Antonio Unified Development Code. I understand that I cannot obtain additional monies from the trust escrow account without the approval of the Director of Development Services, and that approval of any work completed does not constitute acceptance of any improvements. I also understand that a 20% reserve based on the original certified estimate will not be released until all work is complete and approved by the Director of Development Services (and County Engineer if located in the Extra Territorial Jurisdiction).

Subdivider's Signature

Print Name:

Title:

Date:

State of Texas _____ X

_____ X

County of Bexar _____ X

Before me, a notary public for the State of Texas, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct on this the _____ day of _____, 20_____.

Notary Public, State of Texas

My Commission expires:

The property that is the subject of this trust escrow account was inspected on _____ (date).
The draw amount is acceptable and approved.

City of San Antonio Signature _____ Date _____

Print Name:

Title:

(9) Form J-2: Draw Request Form (City)

Draw Request Form (City)

Date:

Plat No.:

Subdivider's Name:

Address:

Phone Number:

Trustees' Name:

Escrow Total (Start of Trust): _____ 20% Reserve Amount: _____

Escrow Total (Current): _____

Total Request for this Draw: _____

<u>Construction Items to be completed:</u>	<u>Request for this Draw</u>

This draw request is submitted to Trustee for release of funds associated with the plat number indicated above. The subdivider named above has failed, refused, or anticipatorily breached its obligation to timely complete its infrastructure related obligations arising from the subdivision of the plat identified above.

City of San Antonio Signature

Date

Print Name:

Title:

(9) Form J: Trust Agreement.

<p>This agreement is between _____ subdivider, trustee, and the City of San Antonio.</p>
<p>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:—</p>
<p>Type of Site Improvement (Gas, and electric lines and certain sidewalks as per 35-506(q)(4) not Estimated Cost included) —</p>
<p>Streets \$ _____ Sidewalks \$ _____ Alleys \$ _____ Storm drainage \$ _____ Sanitary Sewers \$ _____ Water \$ _____ Other (specify) \$ _____</p>
<p>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 Development Services and County Engineer with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.</p>
<p>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:—</p>
<p>The parties acknowledge that this agreement is entered into in San Antonio, Bexar County, State of Texas. The construction of this agreement and the rights, remedies, and obligations arising thereunder are governed by the laws of the State of Texas. The parties hereby agree that the Texas conflicts of law rules do not control this agreement and will not be used to cause the application of the laws of a jurisdiction other than Texas. The obligations performable by both parties are performable in San Antonio, Bexar County, Texas.</p>
<p>Affidavit—</p>
<p>State of Texas X _____ X County of Bexar X _____</p>
<p>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:—</p>
<p>I, _____, subdivider of the _____, under date(s) of _____, _____, withdrew the sum(s) of \$ _____ from the trust account heretofore deposited with</p>

<p>_____, trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to _____ subdivision as follows:—</p>		
<p>Subdivisions—</p>		
Site Improvement \$ _____	Amount \$ _____	Percentage of Completion \$ _____
<p>With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, _____, _____.</p>		
<p>—</p>		
<p>Notary Public in and for The State of Texas—</p>		
<p>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 Development Services to do so.—</p>		
<p>Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.—</p>		
<p>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.—</p>		
<p>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.—</p>		
<p>A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.—</p>		
<p>In testimony whereof witness our hand and seal this _____ day of _____, A.D., _____.</p>		
<p>_____ Subdivider—</p>		
<p>Attest:—</p>		
By: _____	By: _____	
Title: _____	Title: _____	
<p>_____ Trustee—</p>		
<p>Attest:—</p>		
By: _____	By: _____	
Title: _____	Title: _____	

—
City of San Antonio—
Attest:—
By: _____ By: _____
Title: _____ Title: _____

Approved as to form: _____
Title: _____
(ATTACHMENT: Letter of Escrow) —

(10) Form K: Irrevocable Letter of Credit.

IRREVOCABLE STANDBY LETTER OF CREDIT

No. _____

Date: _____

Expiration Date: _____

Beneficiary:

City of San Antonio

City Hall

P.O. Box 839966

San Antonio, TX 78283-3966

Applicant:

Applicant Name

Applicant Address

City, State, Zip, Country

To City of San Antonio:

We hereby issue our Irrevocable Standby Letter of Credit No. _____ in your favor up to the aggregate amount of US\$ _____, _____ (_____ and _____ /100 U.S. Dollars) ("Stated Amount") available by draft(s) drawn on us at sight, marked "Drawn under Irrevocable Standby Letter of Credit No. _____ of _____ (Bank Name) _____, San Antonio, Texas" accompanied by the following:

Beneficiary's written statement purportedly signed by its City Manager, the Director of Development Services, or their authorized representative reading as follows: "The undersigned is an authorized representative of the City of San Antonio (hereinafter "Beneficiary") and has the authority to make the following statement: Beneficiary hereby certifies that the funds drawn under this letter of credit are drawn in accordance with City

of San Antonio Unified Development Code and associated provisions regarding performance guarantees of site improvements.”

Partial Drawings are permitted however the aggregate amount of all drawings may not exceed the Stated Amount.

This Letter of Credit sets forth in full the terms of our undertaking and such undertaking shall not in any way be modified, amended or amplified by reference to any document, instrument or agreement referred to herein or to which this letter of credit relates unless agreed to in writing by (Bank Name) and the City of San Antonio.

Except as expressly stated herein, this undertaking is not subject to any agreement, condition or qualification. The obligation of (Bank Name) under this Irrevocable Letter of Credit is the individual obligation of (Bank Name), and is in no way contingent upon reimbursement by applicant with respect thereto.

We hereby engage with you that documents drawn under and in compliance with the terms of this Irrevocable Standby Letter of Credit will be duly honored if presented for payment to (Bank Name), (Physical Address of Bank) on or before the expiration date of this Letter of Credit.

This Letter of Credit is subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 ("ISP98"), and as to matters not addressed by ISP98 is subject to and governed by Texas State Law and applicable U.S. Federal Law.

(Bank Name)

(Authorized bank signature)

Print: _____

Title: _____

Attest:

By: _____

Print: _____

Title: _____

Approved as to form: _____

City Attorney's Office

<u>LOC No.</u> _____
_____ (Name/Address of bank, trust company or <u>approved agent</u>)—
To: City of San Antonio— City Hall Date: _____ P.O. Box 839966— San Antonio, Texas— 78283-3966 Amount: _____
Gentleman/Ladies:—
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 <u>Planning and Development Services</u> (and County Engineer, if applicable) 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 <u>and certain sidewalks as per 35-506(q)(4)</u> not Estimated Cost included):—
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 839966, San Antonio, Texas, 78283-3966, and the Planning and Development Services Director, 1901 South Alamo, San Antonio, Texas 78204 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: _____ By: _____
Title: _____ Title: _____
—
Date of Execution—
Attest:—
—
Subdivider—
By: _____ By: _____
Title: _____ Title: _____
—
Date of Execution—
City of San Antonio—
By: _____
Title: _____
Attest:—
By: _____
Title: _____
—
Date of Execution—
Approved as to form:—
—

Office of the City Attorney—

(19) Form T: Warranty Bond

WARRANTY BOND

STATE OF TEXAS §
COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

THAT _____, as Principal, and _____, a corporation organized under the laws of _____, as Surety, do hereby expressly acknowledge themselves to be held and firmly bound to pay unto the City of San Antonio, a municipal corporation of the County of Bexar and the State of Texas, the sum of _____ dollars (\$ _____), for the payment of which sum will truly be made unto said City of San Antonio, and its successors, and said Principal and Surety do hereby bind themselves, their heirs, administrators, executors, assigns and successors jointly and severally firmly by these presents.

Principal has agreed to build and construct (name/number of plat), and the associated improvements, in conformance with the standards established by the San Antonio Unified Development Code and both of which are hereby expressly made a part of this bond as though the same were written embodied herein.

WHEREAS, under the San Antonio Unified Development Code, it is provided that the Principal, as subdivider, will maintain and keep in good repair, the work herein contracted to be done and performed, for a period of one (1) year from the date of the acceptance of said work, and to do all necessary repairing and/or reconstructing in whole or in part of said improvements that should be occasioned by settlement of foundation, defective workmanship or materials furnished in the construction or any part thereof or any of the accessories thereto constructed by the subdivider. It is understood that the purpose of this section is to cover all defective conditions arising by reason of defective material, labor or workmanship, and charge the same against the Principal, as subdivider, and Surety on this obligation and that both Principal and Surety shall be subject to liquidation damages for each day's failure to correct any defective conditions. Now, therefore, if the Principal shall keep and perform by maintaining said work and keep the same in repair for the maintenance period of one (1) year, as provided, then this bond shall be null and void and have no further effect, but if default shall be made by the Principal in the performance of its duty to so maintain and repair said work, then this bond shall have full force and effect, and the City of San Antonio shall have and recover

from the Principal and Surety damages resulting from such condition; and it is further agreed that this obligation shall be a continuing one against the Principal and Surety and that successive recoveries may be made until the full amount shall have been exhausted; and it is further understood that the obligation herein to maintain said work shall continue throughout said maintenance period, and the same shall not be changed, diminished or in any manner affected from any cause during said time.

Principal and Surety both acknowledge that this agreement is entered into in San Antonio, Bexar County, State of Texas. The construction of this agreement and the rights remedies, and obligations arising there under are governed by the laws of the State of Texas. Both Principal and Surety hereby agree that the Texas conflicts of law rules do not control this agreement and will not be used to cause the application of the laws of a jurisdiction other than the State of Texas. The obligations performable by both Principal and Surety are performable in San Antonio, Bexar County, Texas.

Additionally, Surety agrees that the City of San Antonio will satisfy any legal or contractual requirements arising from or in connection with this performance bond by directing such action to the Texas office listed below. Surety shall not waive or amend this office without the prior consent in writing of the City of San Antonio.

IN WITNESS WHEREOF, said Principal has caused this bond to be executed and Surety has caused this bond to be executed by its attorney in fact and said attorney in fact, _____ (print name) _____, has hereunto set his or her hand, the _____ day of _____, 20_____.

Name of Principal _____ Name of Surety _____

By (print name) _____	By (print name) _____
Title _____	Title _____
Address _____	Address _____
Phone _____	Phone _____

The name, address and phone number of the Resident Agent of Surety is: (must be Texas office)

***Power of Attorney attached**

NOTE: Date of Maintenance Bond shall not be prior to date of acceptance of the improvements

(20) Form U: Draft for Irrevocable Letter of Credit.

DRAFT

SIGHT _____ DATE: _____

PAY TO THE ORDER OF CITY OF SAN ANTONIO \$ (AMOUNT IN FIGURES)

(AMOUNT IN WORDS) _____ UNITED STATES
DOLLARS

DRAWEE: _____ **DRAWER:** _____
(Bank Name) _____ CITY OF SAN ANTONIO
(Address) _____

"DRAWN UNDER IRREVOCABLE STANDBY LETTER OF CREDIT

NO. _____ OF (Bank Name)". _____ Authorized Signature

**NOTE: THE ORIGINAL OF THE ABOVE DRAFT MUST BE ENDORSED ON THE
REVERSE SIDE AS FOLLOWS:**

CITY OF SAN ANTONIO

Authorized Signature

* * * * *

Chapter 35, Appendix C, Section 35-C103 is amended as follows:

35-C103. Subdivision and Platting Fees.

The following fees are established for master development plans, planned unit developments, vested rights determination and consent agreements. All fees shall be paid at the time an application is filed or the service is requested.

Plan (completeness) review fee, per review	\$700.00
Plan amendment fee, per amendment	\$500.00
Notification fee	\$250.00
MDP/POAD PUD validity verification fee	\$500.00
Rights determination	\$200.00 for homestead property (1 to 3 acres) and \$1,000.00 for single-family residential (over 1 lot or 3 acres) and commercial properties
Rights determination validation	\$250.00
<u>Abbreviated Staff Review for Duration and Phasing of Rights Determination</u>	<u>\$700.00</u>
PUD mailing list	\$100.00
* * * * *	* * * * *

* * * * *

Chapter 35, Appendix C Section 35-C108b is amended as follows:

35-C108b. Vested Rights Appeal.

A fee of five hundred dollars (\$500.00) shall accompany filing of an application for an appeal of a vested rights determination to the planning commission. Subsequent to the planning commission taking action on a vested rights application the applicant may appeal the determination of the planning commission to the city council by filing an application for an appeal of the planning commission's determination of vested rights accompanied by a fee of five hundred dollars (\$500.00) with the office of the city clerk.

* * * * *

Chapter 35, Appendix C Section 35-C109 is amended as follows:

35-C109. Regional Stormwater Management Program (RSWMP) Fees.

The following fees are established as fee-in-lieu of providing detention for participation in the regional stormwater management program of the City of San Antonio. When approved by the director of public works (requirements are defined in section 35-504) the fees must be paid before a subdivision plat is recorded or a building permit is released.

(A) Development Type	(B) Minimum Fees
Detached single-family and two-family duplex residential developments	\$1,200.00 per participating acre or \$750.00 per lot, whichever is less
Residential development other than single-family or two-family	\$1,600.00 per participating acre
Nonresidential with less than sixty-five (65) percent impervious cover (e.g. schools, churches, parks)	\$2,600.00 per participating acre
Nonresidential with impervious cover of sixty-five	\$3,000.00 per participating acre

(65) percent or greater (e.g. commercial development)	
<u>Building permits with additional impervious cover less than one tenth of an acre (<0.1 Ac.)</u>	<u>\$300.00</u>

Development type refers to the maximum possible development allowed by the current zoning. Development type for "unzoned" parcels (e.g. In the city extra territorial jurisdiction, or "ETJ") shall be based on the current development patterns.

Development types for public rights-of-way (with the exception of roadways on the major thoroughfare plan) shall be equivalent to the adjacent development type(s). Where development types are different from one side of the right-of-way to the other, each development type shall be assumed to extend to the centerline of the right-of-way. Roadways on the major thoroughfare plan shall be exempt from payment of RSWMP fees.

Acreage of participation shall be the entire area of the platted property less any areas specifically designated by restricting easement as being "pervious" and restricted from placement of impervious cover.

RSWMP fees shall be paid at either the platting stage or at the building permit stage. Any RSWMP fees not previously collected will be due prior to plat recordation or building permit release. Examples of RSWMP fees to be paid may include the remaining fee balance when fees were previously paid based on less adverse development types or were paid based solely on impervious cover. The remaining fee balance for the available development area will not be required for building permits with additional impervious cover less than one tenth of an acre (<0.1 Ac.), however the minimum fee will still be required.

* * * * *

Chapter 35, Appendix C Section 35-C114 is amended as follows:

35-C114 Parks & Recreation Review Fees.

The following fees shall be established for parks and recreation department staff review of development plans, amendment of plans, development plats, and variances related to Section 35-503:

<u>(a) Development plans:</u>	
<u>Single Family:</u>	<u>\$200.00, plus \$35.00 per phase (\$235.00 for single phase projects)</u>
<u>Non single family:</u>	<u>\$280.00, plus \$35.00 per phase(\$315.00 for single phase projects)</u>
<u>Mixed-Use:</u>	<u>\$480.00, plus \$35.00 per phase(\$515 for single phase projects)</u>
<u>(b) Amending Plans:</u>	
<u>Single family</u>	<u>\$120.00</u>
<u>Non single family</u>	<u>\$190.00</u>

Mixed-Use	\$310.00
(c) Single phase fee	\$175.00
(d) Variance	\$175.00
(e) Reissue expire letter of certification	\$25.00

* * * * *

Chapter 35, Appendix C Section 35-C115 is amended as follows:

35-C115 Temporary Wireless Communication Systems Fees.

- A. Temporary COW permit due to declared emergency: \$0.00
- B. Temporary COW permit to cover a special event: \$250.00 per event.
- C. Temporary COW permit to provide expanded network capacity: \$1,000.00.
- D. A COW may be placed on a temporary basis on City property, provided the applicant pays a \$50.00 per day parking fee payable at the time the temporary permit is requested for the number of days the permit is issued.

* * * * *

Chapter 35, Appendix D Section 35-D101 (e) is amended as follows:

35-D101. General.

~~(e) Height Limitations in Former O-1 Districts.~~

~~Notwithstanding any provision of this chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of this chapter shall be subject to a thirty five foot height limitation until such tract is rezoned through a public hearing.~~

Chapter 35, Appendix D Section 35-D101 (g), is hereby deleted effective May 1, 2011.

35-D101. General.

~~**(g) Multi-Tenant Uses.** Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property's zoning district prior to February 4, 2002. This provision does not provide for~~

~~the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses. Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.~~

Chapter 35, Appendix F, Section 35-F106 is amended as follows:

35-F106 Special Floodplain Definitions.

* * * * *

Unflooded Access means that vehicular traffic has safe access (within the "Proceed with Caution" range per figure 504-2) to a property from a public street in times of a Design Storm Event (reference Section 35-504(b)(2) System Criteria") ~~flood (regulatory 100-year flood event)~~ and to an arterial street that is not adjacent to the development or to a distance of one quarter mile, whichever is less, during a twenty percent annual chance (20% A.C., or "5-year") storm event. ~~A property will be considered to have unflooded access to an existing street if flow depths for access on the street adjacent to the property do not exceed one (1) foot and fall within the safe range on Figure 504-2 "Dangerous Conditions on Crossing During Floods."~~

* * * * *

Chapter 35, Appendix F, Section 35-F132 is amended as follows:

35-F132. Application.

* * * * *

(b) In addition to the above, the following information is required:

* * * * *

- (4) An existing structure may be improved (remodeled) without conforming to requirements of this subdivision when the improvement does not constitute a substantial improvement. In the event that the work is considered a substantial improvement then the structure must be brought into compliance with this subdivision.
- (5) Certification of the fair market value of an existing structure prepared by a certified real estate appraiser (or Bexar County Appraisal District's assessment) and a cost estimate of proposed improvements to the structure prepared by a registered contractor, architect, or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed fifty (50) percent of the fair market value of the existing structure. In the case of a structure that has suffered damage, the date will verify the fair market value of the structure before the damage occurred.

A. Once a property has been issued a Floodplain Development Permit (FPDP) using the 50% rule stated above, any additional improvements thereafter will be tracked over a total of ten (10) years. These improvements within the ten year period can not exceed 50 percent of the fair market value of the existing structure at the time of issuance of said first Floodplain Development Permit.

B. The following items shall be considered maintenance in nature and shall not be considered in substantial improvement calculations when such items are not required as the result of a flood event:

1. Air Conditioning or Heating system repairs not involving replacement or upgrade
2. Re-roofing
3. Electrical re-wiring or upgrade
4. General repairs to home (siding, window replacement, carpeting, sinks, tile, etc.)

Chapter 35, Appendix F, Section 35-F133 is amended as follows:

35-F133. Permit Evaluation.

* * * * *

(c)

(1) No construction activity is allowed in a FEMA designated one percent annual chance (1% A.C.) floodplain, or on property containing a FEMA designated 1% A.C. floodplain, prior to issuance of a Floodplain Development Permit (FPDP) OR issuance of any Site Development (or other applicable) Building Permit. The Floodplain Administrator may (but is not required to) waive this requirement with acceptance of evidence that such activity is outside the limits of said floodplain.

AND

(2) No construction activity that will result in a change in the alignment, width, or elevation of a FEMA designated 1% A.C. current conditions floodplain is allowed prior to a Conditional Letter of Map Revision (CLOMR) being submitted to FEMA. Additionally, no subdivision plats with easements that are based on revisions to a 1% A.C. current conditions floodplain shall be approved prior to a CLOMR being submitted to FEMA.

AND

(3) Excluding Capital Improvement Projects managed by a public agency, no construction activity that will result in a change in the alignment, width, or elevation of a FEMA designated floodplain is allowed prior to a CLOMR being approved by FEMA.

AND

(4) OTHER than work specifically associated with a CLOMR approved by the Floodplain Administrator (see above), no construction activity that requires

a revision to a FEMA designated floodplain to meet the provisions of these floodplain ordinances (e.g. reference Section 35-F125) is allowed prior to EITHER

- a. a Letter of Map Revision (LOMR) being approved by FEMA
- OR
- b. a LOMR being submitted to FEMA AND a performance agreement (with associated performance bond), being accepted by the City in accordance with subsection 35-F134, below.

WHEN any CLOMR or LOMR application submitted relating to a FEMA designated Zone A (1% A.C. unstudied) floodplain meets the following criteria, all information required for FEMA to designate the floodplain as Zone AE (1% A.C. with elevation determined) shall be included:

- a) If the reach being studied is adjacent to or within 500' of an existing Zone AE designated floodplain,

OR

- b) If the reach being studied exceeds 500 linear feet in length.

~~(c) When there is a change in the alignment, width, or elevation of a floodplain identified on a flood insurance rate map, then a conditional letter of map revision CLOMR, or letter of map revision (LOMR) if no improvements are proposed in the floodplain, must be submitted to the Federal Emergency Management Agency prior to approval of the plat. If improvements are proposed in the floodplain the (CLOMR) must be approved by FEMA and the LOMR submitted to FEMA prior to acceptance of the construction by the city. A hold will be placed on all building permits for lots in a floodplain until FEMA has approved the LOMR or a performance bond is issued per subsection 35-F134(b).~~

* * * * *

Chapter 35, Appendix F, Section 35-F134 is amended as follows:

35-F134. 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-F108, shall require a performance bond which shall be filed with the Finance Department-city clerk, after the approval of the floodplain 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.

* * * * *

Chapter 35, Appendix F, Section 35-F142 is amended as follows:

35-F142. Specific Standards.

* * * * *

(c) Manufactured Homes.

(1) Construction/installation of manufactured homes within the regulatory floodplain (base flood) is not allowed ~~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.~~

~~—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 of 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.~~

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to change the term Planning and Development Services Department or Department of Planning and Development Services to Development Services Department throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 2 above.

SECTION 4. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to change the term Planning and Development Services Director or Director of Planning and Development Services to

Development Services Director throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 2 above.

SECTION 5. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 6. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

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

SECTION 8. The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

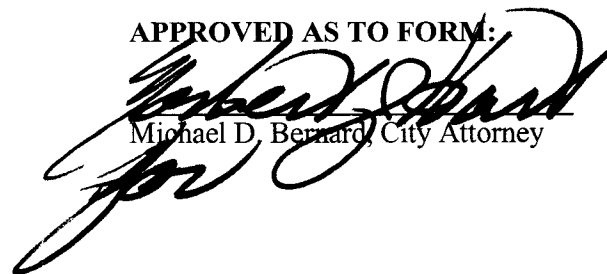
SECTION 9. This ordinance shall become effective January 1, 2011.

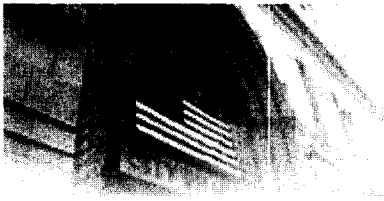
PASSED AND APPROVED this 18th day of November, 2010.


M A Y O R
Julián Castro

ATTEST:

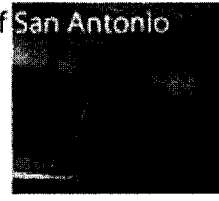
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 16

Name:	16						
Date:	11/18/2010						
Time:	09:39:17 AM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by making substantive and minor amendments; correcting clerical and formatting items; clarifying items; amending definitions; providing an effective date; and providing for severance. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				x
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
John G. Clamp	District 10		x			x	