



UDC Update Request Application

Part 1. Applicant Information

Name: AIA SAN ANTONIO Organization (if applicable): URBAN AFFAIRS COMMITTEE

Address: 1344 SOUTH FLORES STREET #102, SAN ANTONIO, TEXAS 78204

Phone: 210-226-4979 Email: nicki@alamoarchitects.com

Signature:  AIA San Antonio Chapter President Date: MAY 1, 2015
 (Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
 (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (*RID*)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

AIA SAN ANTONIO
URBAN AFFAIRS COMMITTEE

PROPOSED AMENDMENTS TO THE SAN ANTONIO UDC, 2015

PROPOSAL SUMMARY

The reason for this proposed UDC amendment is to promote the use of landscape elements to enhance the urban experience and overall walkability of our city from the perspective of the pedestrian. As written, Section 35-512 outlines the bare minimum for planting standards within the streetscape R.O.W. Section 35-512 (b)(1)(D) includes the planting of trees within the median as an alternative to meet these minimum requirements. This proposal recommends that street trees be planted within the median where space allows for them as a baseline requirement - not as an alternative - in addition to the street trees required per (b)(1)A, (b)(1)B, and (b)(1)C. Allowing for this would reduce the perceived width of roads that have especially wide rights-of-way, contribute to overall pedestrian comfort - and more importantly, make for a more human-scaled streetscape that the increased tree canopy will provide for.

PROPOSED AMENDMENT

Sec. 35-512. - Streetscape Planting Standards

(b) Minimum Requirements

(1) Options

(E) Within rights-of-way that are wide enough to meet the minimum streetscaping requirements outlined above in (b)(1)A, (b)(1)B, and (b)(1)C, it is recommended that large to medium trees also be planted within the median. Minimum median width for tree planting will be eighteen (18) feet. Where left turn lanes are provided, the minimum width will be eight (8) feet. One (1) medium tree shall be planted every one-hundred (100) feet and shall be a minimum of six (6) feet from the BOC. Where left turn lanes and/or crossovers are provided, the planting shall begin fifteen (15) feet from the nose of the turning island. Preservation of existing trees and understory vegetation may be used to meet this requirement. Irrigation shall be provided.



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PROPOSAL SUMMARY

The reason for this proposed UDC amendment is to promote the strengthening of our city's urban core neighborhoods by fostering a compatible mix of uses such as live-work and small-scale professional and/or creative industry-oriented offices (i.e. architecture, graphic design, engineering, and law offices) woven into the fabric of the residential district. Doing so can encourage growth towards the center of the city by way of infill development. This amendment proposes to allow Residentially zoned urban core neighborhoods to permit accessory uses within accessory structures as long as they are compatible with the adjacent land use and in keeping with the intent of this Section.

PROPOSED AMENDMENT

Sec. 35-378. - Home Occupations

(a) **General Requirements.** Home occupations are permitted in any dwelling unit subject to the following provisions:

(4) The home occupation shall be conducted solely by resident occupants of the dwelling unit. No person not permanently residing on the premises shall be employed for hire or as a volunteer except for those occupations for a professional office where at no time shall there be more than five (5) people total engaged in professional office occupation activities on the entire property of which one of those five must be an occupant permanently residing on the premises who holds a professional occupation license issued by the State of Texas regulated under the following sections of the Texas Occupations Code:

- [Chapter 901 \(Accountants\)](#)
- [Chapter 951 \(Prepaid Legal Services\)](#)
- [Chapter 952 \(Lawyer Referral Services\)](#)
- [Chapter 1001 \(Engineers\)](#)
- [Chapter 1051 \(Architects\)](#)
- [Chapter 1052 \(Landscape Architects\)](#)
- [Chapter 1053 \(Interior Designers\)](#)
- [Chapter 1071 \(Land Surveyors\)](#)
- [Title 7, Subtitle A, Chapters 1101 - 1105 \(Professions Related to Real Estate\)](#)

(5) The home occupation shall be conducted entirely within the dwelling unit except for those necessary outdoor activities related to the care of children. No more than twenty-five (25) percent of the gross area of the dwelling unit shall be used for the home occupation. Use of accessory buildings, garages, or carports for a home occupation is prohibited except for those uses categorized as professional office in SubSection (4) above.



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DEVELOPMENT SERVICES DEPARTMENT
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 Phone: (210) 340-5670 Email: donald@adacg.com
 Signature: [Signature] Date: 3-10-2015
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Create a new zoning district, C-1.5, which provides the similar use intensities as C-1 but with larger building size limits of 15,000 S.F. (45,000 S.F. aggregate). Currently, the C-1 allows 5,000 S.F. max building size (15,000 S.F. aggregate) with C-2 and C-3 having no limit on building size. For less intensive uses where the building exceeds 5,000 S.F. a C-2 zoning is typically pursued which can be seen as undesirable to surrounding property owners due to the allowed use intensity, this proposal allows for a middle ground commercial zoning and its reasoning is similar to the creation of the O-1.5 district years ago.

Proposal Summary (TEXT) -

The C-1 zoning district is typically used as a negotiation tool during zoning cases to provide a buffer between the desired zoning change (i.e. C-1 or C-2) and surrounding residential uses.

Members of the development community backed an attempted to change the definition of C-1 zoning from 5,000 S.F. max (15,000 S.F. aggregate) to 15,000 S.F. (45,000 S.F. aggregate). This attempted change which was blocked by both the PCTAC and the Planning Commission as this adjustment would have been against various negotiated agreements between homeowners and commercial developers during change of zoning applications. By making a new district in the middle of C-1 and C-2, all parties can be happy. Developers can now request a commercial district with a building > 5,000 S.F. whose uses are not be as intense as C-2 with surrounding property owners being able to attend and voice their opinion during a public meeting.

Formatted Proposal -

Sec. 35-310.10. "C-1," , "C-1.5**," "C-2," "C-2P," and "C-3" Commercial Districts**

(1) Lot and Building Specifications

(a) "C-1" and "C-1.5**" Commercial**

STATEMENT OF PURPOSE

*"C-1" and "**C-1.5**" districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an "NC" district. "C-1" and "**C-1.5**" uses are considered appropriate buffers between residential uses and "C-2" and "C-3" districts and uses.*

PROPOSAL SUMMARY (TABLE) —

The C-1 zoning district is typically used as a negotiation tool during zoning cases to provide a buffer between the desired change and surrounding residential uses. Most commercial zoning is either C2 or C3 which has an unlimited square footage restriction.

In 2013, members of the development community attempted to change the definition of C-1 zoning from 5,000 S.F. max (15,000 S.F. aggregate) to 15,000/45,000. This attempted change which was blocked by both the PCTAC and the Planning Commission would have been against the negotiated agreements done for over a decade with homeowners during certain change of zoning applications. By making a new district in the middle of C1 and C2, all parties can be happy. Developers can now request a commercial district with a building > 5,000 S.F. yet not be as intense as C2. Residents can have the benefit of public hearings before having abutting property use changed.

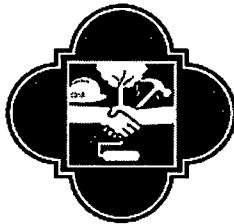
FORMATTED PROPOSAL —

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)	Side Setback (max)	Height (max) (feet/#of stories)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
C-1	—	—	—	50	50	—	—	20	10	30 ²	25	5,000	15,000
C-1.5	—	—	—	50	50	—	—	20	10	30 ²	25	20,000	60,000
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	—	—

* * * *

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-1.5	20,000	60,000	RP, F
C-2	N/A	N/A	N
C-2P	N/A	N/A	RP, F
C-3	N/A	N/A	N



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PROPOSAL SUMMARY (TEXT) –

The section of the UDC is carried over verbatim from Texas Local Government Code Section 212.016 regarding amending plats statewide. This provision is never allowed to be used here in San Antonio because the City has no definition for "residential improvement area". Currently, the planning commission, after a public hearing, hears and approves planned unit developments (PUD's) and master development plans (MDP's) which denote areas designated for residential improvement. In addition, during public hearings our City Council decides on zoning changes to base and/or overlay districts for residential development (i.e. improvement) areas, such as the R-3, R-5, or NP districts.

Past argument against allows land owners to use 35-441(a)(10) to amend a plat is that since a church or school is allowed in any zoning district, our city does not have a zoning district that truly classifies any to be for (solely) residential improvement. A State law that grants a land owner the ability to amend their plat cannot be superseded by a blanket municipal regulation to remove it its entirety the right of said land owner. The UDC must be clarified as to what constitutes meeting the burden of 35-441(a)(10)(C) to respect land owner rights granted by the Texas Local Government Code.

FORMATTED PROPOSAL –

Sec. 35-441. Amending Plats.

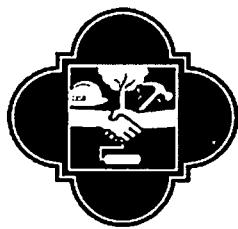
* * * *

(a) **Applicability.** Pursuant to V.T.C.A. Local Government Code § 212.016, a plat may be amended, and the director may issue an amending plat, if the amending plat is signed by the applicants only and is solely for one (1) or more of the following purposes

* * * *

(10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

- (A) The changes do not affect applicable zoning and other regulations of the city;
- (B) The changes do not attempt to amend or remove any covenants or restrictions; and
- (C) The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area. An example of this criteria would be a Community Land Use Plan, Planned Unit Development (PUD) or Master Development Plan (MDP) stipulating only non-multi-family type residential use for the subject area (i.e. single family or duplex homes).



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PROPOSAL SUMMARY (TEXT) –

This plat note was revised and provided in Development Services Information Bulletin #526 regarding Standard Plat Note Layout. This plat note however did not stem from a broad notation requirement of the UDC but is in fact provided in the UDC as a specific note to be required under certain circumstances and therefore should be changed to reflect the intended text per IB 526.

FORMATTED PROPOSAL –

Sec. 35-504. Stormwater Management.

* * * *

(f) Stormwater Detention and Other Stormwater Management Facilities.

* * * *

(4) Easement Requirements.

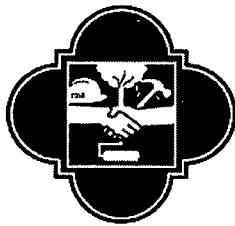
* * * *

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

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

2. ~~"No building permit shall be issued for this platted property until a stormwater detention system design has been approved by the City of San Antonio or Bexar County for commercial properties within the ETJ."~~

Storm water detention is required for this property. Building permits for this property shall be issued only in conjunction with necessary storm water detention approved by the City of San Antonio. The property may be eligible to post a fee in lieu of detention (FILO) if offsite drainage conditions allow but only when approved by the City of San Antonio. Maintenance of on-site storm water detention shall be the sole responsibility of the lot owners and/or property owners association and their successors or assignees.

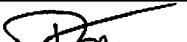


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PROPOSAL SUMMARY (TEXT) –

Aside from amending plats processed under purpose 35-441(a)(10) to (11), amending plats are minor in nature and do not constitute a major revision. Amending plats processed under 35-441(a)(1) through (6) are currently included. What is requested to be added are amending plats submitted under:

UDC 35-441(a)(7) – correct errors in courses and distances. Since the purpose of such an amending plat is to correct an error, it should be included.

UDC 35-441(a)(8) – relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement. Since a building or other improvement has to exist to submit an amending plat under this section, there is no change to the intent of the project (it's already built). The purpose is to make the plat match what was built under the original project.

UDC 35-441(a)(9) – relocate one or more lot lines between one or more adjacent lots. Since there is not increase to the number of lots, and what is proposed has to meet lot size requirements, the intent of the development (i.e. plat) is not changed. The overall geographic land use of the project (i.e. outline boundary of plat being amended) remains the same.

UDC 35-441(a)(12) / (13) / (15) – amending a plat to incorporate no build easements, fire lanes, and conservation areas do not result in a larger impact of development. In fact, these sort of amending plats reduce potential usability of the project.

UDC 35-441(a)(14) – amending an unrecorded plat (i.e. a redline amending plat) is done within 3 years of plat approval since once a plat is approved, they are given a 3 year window for recordation (i.e. construction of improvements, payment of fees, etc.). Upon application, this 3 year window may be extended to a maximum of 6 years either administratively or through the planning commission. Allowing such amending plats to keep a single-phase project as “minor” would be consistent with Texas Local Government Code Section 245.005 regarding dormant projects and its 5 year minimum time limit without progress towards completion. Since the five years is considered a minimum and to achieve an unrecorded plat to extend past the three year window requires an application, review and approval by the City, which itself would be considered progress towards completion, allowing these amending plats results in adherence to the Texas Local Government Code.

UDC 35-441(a)(11) – which allows for the replat of a previous plat with limitations should only be included if the purpose of the amendment reduces the number of lots, which results in the potential reduction of imperious cover and number of buildings allowed, or adjust easements to match availability of the surrounding infrastructure.

FORMATTED PROPOSAL –

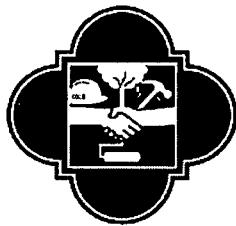
Sec. 35-715. Modification to Project or Permit.

* * * *

(b) **Amendment to a Single-Phase Project.** Amendments to a previously approved plan shall be classified as a minor or major revision. Minor amendments may be administratively accepted and will not lose the original vesting date. Minor amendments include the following:

- (1) Changes to the timing or phasing of the proposed project provided the use and overall geographic land area remains the same.
- (2) Minor adjustments of building footprint within the boundaries of the site plan provided the use and overall geographic land use remains the same.
- (3) A reduction in the square footage for the proposed building footprint or number of buildings provided the use and overall geographic land use remains the same.
- (4) A decrease in the overall proposed impervious cover.
- (5) Project name change affecting a master development plan or subdivision plan.
- (6) To correct a scrivener error as described in subsections 35-441(a)(1) through 35-441(a)(6).
- (7) Changes required by a regulatory agency in the location of easements.
- (8) Changes required by a regulatory agency in the location of stormwater detention facilities.
- (9) Changes required by a regulatory agency in the location of ingress and egress points.
- (10) Changes required by a regulatory agency in the location of drainage areas.
- (11) Changes required by the discovery of previously undiscovered archeological resources/sites or environmental features excluding those sites visible when the project commenced.
- (12) Changes made to increase the preservation ratio of trees for those projects subject to either the 1997 or 2003 tree preservation provisions of this chapter.
- (13) Amendments to a plat described in subsections 35-441(a)(7) - 35-441(a)(9) and subsections 35-441(a)(12) - 35-441(a)(15) that are approved without variances.
- (14) Amendments to a plat described in subsection 35-441(a)(11) which reduce the number of lots and/or add, delete, or relocate utility easements.

All other revisions shall be classified as major amendments and shall be processed as a new project submittal.



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PROPOSAL SUMMARY (TEXT) –

The practice of surveying includes locating real property boundaries. If a plat has been signed & sealed by a surveyor licensed to practice in the State of Texas and recorded in the county records, that plat is a record instrument. Certain amending plats and replats that do not alter the boundary, its monumentation, or create/alter easements that do not parallel boundary lines are not considered the practice of professional surveying. Examples of plats which do not include the practice of surveying:

- *Adding or adjusting the width of easements or setback lines which parallel a platted boundary line*
- *Removing easements and setback lines*
- *Correcting street names and lot numbers*

Allowing Engineers to prepare certain plats is in line with:

*Texas Occupations Code, Chapter 1001. Engineer
Subchapter I. Practice of Engineering*

Section 1001.401(e) – A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.

Furthermore, the General Rules of Procedures and Practices (revised February 2014) issued by the Texas Board of Professional Land Surveyors, Section 661.33 provides a section regarding easement depiction which exempts easements from adhering to rules promulgated by the Board that are blanket easements, that can be clearly defined and located without a metes & bounds description, or where the easement adjoins a platted boundary line.

If an amending plat or replat does not alter the established boundary and simply reflects the platted boundary, easements, and monumentation exactly from the previous recorded plat and references the RPLS who certified said previous plat then the amending plat or replat is not considered the practice of surveying. For the City of San Antonio to restrict an engineer from performing those certain amending plat or replats would be a violation of Texas Occupations Code Section 1001.401(e).

Furthermore, the number of active licensed professional surveyors has been on the decline since the mid-1980's. In early 1980 there were ~ 4,000 active Texas Surveyors while today there are around ~2,700. By allowing Texas engineers to prepare certain plats it would be beneficial to land owners by opening up the allowable pool of firms that can be hired to perform amending plats (more choice = more competition = lowers cost).

FORMATTED PROPOSAL –

Sec. 35-B121(f) Certification and Forms.

(1) Form A: Surveyor's Certificate. A surveyor's certificate is all follows: is required in all cases except when the plat application does not constitute the practice of surveying as defined by the Texas Board of Professional Land Surveying.



TEXAS BOARD OF PROFESSIONAL ENGINEERS

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DALE BEEBE FARROW, P.E.
EXECUTIVE DIRECTOR

Release: July 7, 2009

From: Dale Beebe Farrow, P.E., Executive Director

HB 2649: Additional Certifications for Professional Engineers

During the 2009 Session, the 81st Texas Legislature passed House Bill 2649, which is in effect as of June 19, 2009. Section 3 of this bill amended the Texas Engineering Practice Act, Section 1001.401, as follows:

(e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.

This new section affects the requirements for engineering work set by any public or private entity, including but not limited to cities, counties, school districts, state agencies, private businesses, or any other groups or individuals that require seals on engineering work. These entities can not require a professional engineer licensed in Texas to obtain or possess any certifications in addition to their professional engineer license in order to perform or offer to perform engineering services.

Any current or future rule, regulation, code, or other requirement should be reviewed and modified if necessary to comply with the new statutory requirement.

The Texas Engineering Practice Act (TEPA) and Board Rules require that a license holder only practice engineering in areas in which they can demonstrate competency. If any licensed Texas professional engineer practices in an incompetent manner, practices outside of their area of competency, does not meet/follow applicable codes or regulations, or in some other manner violates the TEPA or Board Rules, the Texas Board of Professional Engineers should be notified.

Contact Information:

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General Rules of Procedures and Practices

Revised February, 2014

The Board

§661.1. Name.

The name of the Board shall be Texas Board of Professional Land Surveying. For the purpose of brevity in succeeding rules this organization shall be subsequently referred to as the Board.

§661.2. Headquarters.

The headquarters of the Board shall be in Austin.

§661.3. Chair.

The chair shall, when present, preside at all meetings, except as otherwise provided herein. The chair shall appoint such committees as the Board may authorize from time to time. The chair shall sign all certificates.

§661.4. Vice Chair.

The vice chair may in the absence or incapacity of the chair exercise the duties and may possess all the powers of the chair, as permitted by law.

§661.5. Executive Director.

The Executive Director shall conduct and care for all correspondence in the name of the Board. The Executive Director shall maintain all records prescribed by law. The Executive Director shall keep a record of all meetings and maintain a proper account of all business of the Board. The Executive Director shall be the custodian of the official seal and affix the seal to all certificates and other official documents upon the orders of the Board. The Executive Director shall check and certify all bills and check all vouchers (claims) and shall approve same, if appropriate, and shall perform such other duties as directed by the Board. The Board shall furnish the Executive Director the necessary equipment, supplies, and assistance, paying for these items directly on vouchers (claims) handled as prescribed herein and by law.

§661.7. Executive Committee.

The executive committee may consist of three members of the Board. Its duties shall be to transact all business instructed by the Board, during the intervals between Board meetings, and to report thereon to the Board at its meetings. It shall also recommend to the Board such actions in respect to policies and procedures as it may consider desirable.

§661.8. Standing Committees.

(12) Seal--An embossed or stamped design authorized by the Board that authenticates, confirms, or attests that a person is authorized to offer and practice land surveying services to the public in the State of Texas and has legal consequence when applied.

§661.33. Easement Depiction.

(a) An easement depiction prepared by any person registered or licensed under the Act shall adhere to all rules promulgated by the Board except where:

- (1) the easement area can be clearly ascertained without reference to a metes and bounds description of the easement; and
- (2) the easement does not bisect or protrude into the tract (leaving non-easement areas on opposite sides of the easement strip).

(b) An easement's legal description or plat depiction meets the requirements of the exception to this rule when the easement:

- (1) is a blanket easement; or
- (2) the easement:
 - (A) is within a tract of land or lot depicted in a recorded subdivision plat;
 - (B) can be clearly defined and located without a metes and bounds description; and
 - (C) is adjoining to a platted boundary line.

(c) A "construction estimate", as used in §1071.004 of the Act, means a depiction of a possible easement route for planning purposes.

Applications, Examinations, and Licensing

§661.41. Applications.

(a) An applicant qualified by law who wishes to take an examination for certification or for registration to practice professional land surveying and/or state land surveying in Texas shall be furnished duplicate application forms, one to be returned to the office of the Board, the other to