

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS, WITH CHANGES TO SECTION 35-111 RELATING TO UDC AMENDMENTS, TO REQUIRE A COST IMPACT ANALYSIS BE SUBMITTED WITH UDC AMENDMENT REQUESTS.**

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**WHEREAS**, a City Council Consideration Request was filed on August 14, 2019, directing the Development Services Department to conduct a comprehensive review of the UDC revision process and to study the feasibility that each UDC amendment include an economic impact analysis; and

**WHEREAS**, a diverse taskforce composed of economic development professionals, development professionals, and neighborhood leaders was convened to study the issue and make a recommendation; and

**WHEREAS**, the Planning Commission recommended approval of the code change to require a cost impact analysis for future UDC amendments;

**NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:**

**SECTION 1.** Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code, 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:

Sec. 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.

With the exception of amendments initiated by zoning commission, planning commission, board of adjustments, HDRC, city council, or other appropriate city board or council, amendments submitted during the update program shall be limited to the following:

1. Editing amendments to provide for editing changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statutes or case law.
  2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC. Clarification amendments should not change or alter the intent or meaning of existing UDC provisions.
  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 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. 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. "Update Requests" shall also include a statement submitted by the applicant regarding the cost impact of the proposed code change. The cost impact statement shall indicate one of the following:
- (1) the code change proposal will increase the cost of construction and/or development,  
or
  - (2) the code change proposal will decrease the cost of construction and/or development,  
or
  - (3) the code change proposal will not impact the cost of construction and/or development.
- The cost impact statement shall include information which shall substantiate the assertion. Any "update request" submitted which does not include the requisite cost impact statement and substantiating information shall be considered incomplete and shall not be referred by the director for further consideration.
- (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 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

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amendments that are finally approved shall become effective January 1 of the following year.

**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas, shall remain in full force and effect.

**SECTION 4.** 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 5.** The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 35. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 7.** This ordinance shall become effective immediately on passage with eight affirmative votes; otherwise it shall become effective on December 22, 2019.

**PASSED AND APPROVED this 12<sup>th</sup> day of December, 2019.**

M A Y O R

Ron Nirenberg

**ATTEST:**

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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

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Andy Segovia, City Attorney