SG/cla
04/03/2014
#10

AN ORDINANCE 2014-04-03-0206

# AN ORDINANCE AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE DOWNTOWN DESIGN GUIDE AS AN APPENDIX TO CHAPTER 35, UNIFIED DEVELOPMENT CODE, PROVIDING FOR PROCEDURES AND DEFINITIONS TO IMPLEMENT THE DOWNTOWN DESIGN GUIDE AND HARMONIZING THE DEFINITION OF DOWNTOWN BUSINESS DISTRICT IN CHAPTERS 13, 16, 22 AND CHAPTER 35 OF THE CITY CODE.

* * * * *

**WHEREAS**, the Center City Strategic Framework Implementation Plan was adopted by City Council on July 22, 2012 to provide recommendations regarding implementation of the Downtown Strategic Framework Plan through increased public investment, creation of a housing finance strategy, coordinated management, and regulation of development; and

**WHEREAS**, the Implementation Plan specifically recommended the City initiate the formulation of design guidelines for the Center City, intended to provide a clear design framework for future development in the downtown and provide increased predictability regarding the development review process; and

**WHEREAS**, the adoption of the Downtown Design Guide requires amendments to the City Code by adopting the Downtown Design Guide as an appendix to Chapter 35, Unified Development Code, providing procedures and definitions to implement the Downtown Design Guide and harmonizing the definition of "Downtown Business District" in Chapters 13, 16, 22 and 35 of the City Code; and

**WHEREAS**, a public hearing was held after notice and publication regarding this amendment at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; and

**WHEREAS,** City Council now desires to amend the City Code of the City of San Antonio, Texas; **NOW THEREFORE;**

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

**SECTION 1.** The Downtown Design Guide, attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes is hereby adopted as Appendix G of Chapter 35, City Code of the City of San Antonio, Texas.

**SECTION 2.** 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 3.** Chapter 13 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 13, Article IV, Section 13-62 (e) (8) is amended as follows:

**Sec. 13-62. Permit requirements**

**(e) Mobile food court and mobile food establishment fees shall be as follows:**

8) The director of downtown operations shall establish a fee for a special permit and associate permit for mobile food establishments in the downtown ~~central~~ business district. The permit fee for vending in the downtown business district and associate fee shall be in addition to any other applicable fees set out in this chapter.

**SECTION 4.** Chapter 16 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 16, Article III, Section 16-52 (a) is amended as follows:

**Sec. 16-52. Special licensing provisions for carnivals in downtown ~~central~~ business district.**

(a) No commercial carnival activity shall be conducted in that area of the downtown ~~central~~ business district ~~as described in~~ as defined in the Unified Development Code of the City. ~~section 16-229~~ during fiesta week of each year unless and until the carnival activity is licensed and authorized by the city or its duly authorized representative.

**SECTION 5.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 22, Article I, Section 22-2 (a) (8) is amended as follows:

**Sec. 22-2. Vendors operating in parks.**

(a) It shall be permissible for properly licensed vendors to offer for sale in city parks, prepared and packaged food items and soft drinks subject to the following restrictions:

(8) The director of parks and recreation shall have authority to institute approved vendor licensing programs in other city parks outside of the downtown ~~central~~ business district with similar terms, conditions and restrictions as contained in subsection (7) and shall be authorized to charge a fee of two hundred twenty-five dollar ($225.00) permit fee for each three-month period.

Chapter 22, Article I, Section 22-15 is amended as follows:

**Sec. 22-15. Use fee for wedding ceremonies.**

Use fees may be assessed by the director of downtown operations for individual wedding ceremonies held on properties in the downtown ~~central~~ business district approved by the director of downtown operations.

**SECTION 6.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

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

**ARTICLE II. USE PATTERNS**

**Sec. 35-209. Form Based Development.**

(f) **Guidelines for Transit Facilities, Bicycle Parking, and Schools.**

(1) **Transit Guidelines.**

D. No more than six (6) and no less than four (4) bus stops per route mile will be provided along all line service routes, except express and limited stop routes outside the downtown business district ~~CBD (Central Business District)~~.

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Chapter 35, Article III, Table 310-1 is amended as follows:

**ARTICLE III. ZONING**

**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 | Rear Setback | | Height (max) (feet/# of stories) | Size – Individual Building Size (max) | Size – Aggregate Building Size (max) |
| D[9] | - | | - | - | - | - | | - | ~~20~~ | - | - | | - | - | - |

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**Note (9)** – Site planning and architectural criteria for the "D" Downtown Zoning District can be found in the Downtown Design Guide in Appendix G of this chapter.

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Chapter 35, Article III, Section 35-310.07 is amended as follows:

**Sec. 35-310.07. "MF-18", "MF-25", "MF-33", "MF-40", "MF-50" and "MF-65" Multi-Family.**

**"MF-40" Multi-Family.**

*STATEMENT OF PURPOSE*

*Multi-family residence moderate - high density "MF-40" district is the designation for multi-family and group residential use with a maximum density of forty (40) units per acre, depending on unit size. An "MF-40" district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the downtown ~~central~~ business district or a major institutional or employment center, or in an area for which moderate to high density multi-family use is desired.*

**"MF-50" Multi-Family.**

*STATEMENT OF PURPOSE*

*Multi-family residence urban "MF-50" district is the designation for a multi-family use with a maximum density of up to fifty (50) units per acre, depending on unit size. An "MF-50" district designation may be applied to a use in a centrally located area near supporting transportation and commercial areas, an area adjacent to the downtown ~~central~~ business district or a major institutional or employment center, or an area for which very high density multi-family use is desired.*

**"MF-65" Urban Multi-Family.**

*STATEMENT OF PURPOSE*

*Multi-family residence urban "MF-65" district is the designation for a multi-family use with a maximum density of up to 65 units per acre, depending on unit size. An "MF-65" district designation may be applied to a use in a centrally located area near supporting transportation and commercial areas, an area adjacent to the downtown ~~central~~ business district or a major institutional or employment center, or an area for which very high density multi-family use is desired.*

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Chapter 35, Article III, Section 35-310.11 is amended as follows:

**Sec. 35-310.11. "D" Downtown.**

*STATEMENT OF PURPOSE*

*This district provides concentrated downtown retail, service, office and mixed uses in the existing ~~central business districts~~downtown business district. Major/regional shopping centers are permitted, but urban design standards are required in order to maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Large outdoor sales areas are not permitted. Pedestrian circulation is required as are common parking areas. The "D" district promotes the*

*long-term vitality of the ~~central~~downtown business district. The "D" district implements the following policies of the master plan:*

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to create mixed-use districts.*
- *Neighborhoods, Goal 5: Encourage development of the downtown area as a complete neighborhood to enhance its image to both visitors and residents.*
- *Neighborhoods, Policy 5a: Encourage new development in the downtown area to create a broad range of housing stock including single occupancy hotels, low, moderate, and upper income housing, and housing for elderly persons.*
- *Neighborhoods, Policy 5a: Give priority to existing buildings, particularly vacant upper floors in existing buildings for meeting housing needs.*
- *Neighborhoods, Policy 5a: Adapt zoning, construction and fire codes that facilitate housing in existing buildings without compromising the basic health and safety of building occupants.*
- *Neighborhoods, Policy 5a: Facilitate the development of new infill multi-family housing in single use or mixed-use developments on vacant tracts in the downtown.*
- *Neighborhoods, Policy 5g: Encourage development of vacant parcels and parcels with underutilized buildings [in downtown] as office space.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*

*~~The "D" downtown district encompasses the city's central business district, which is the area originally settled and the locus of economic activity in the region. This shall include the area described as follows:~~*

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

(a) **Location Criteria.** The "D" downtown zoning district is permitted in the city's downtown business district, which is the area originally settled and the locus of economic activity in the region. This shall include the area described as follows:

Start at the intersection of Salado and El Paso Streets; north on Salado/Haven for Hope Way to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwalader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Cesar E. Chavez Boulevard; west on Cesar E. Chavez Boulevard to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado.

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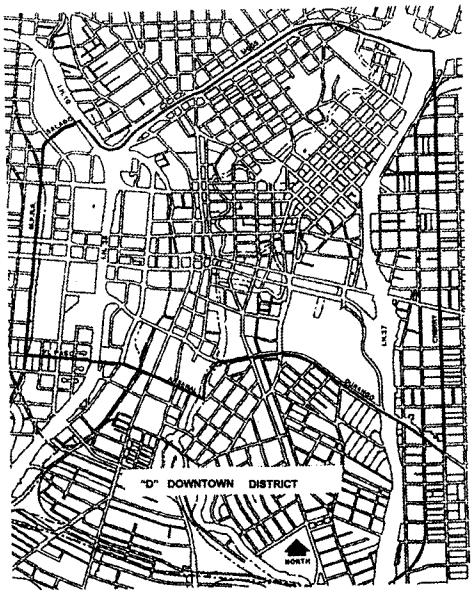


**Delete this map**

***Figure 310-11***

## ***Replace with this map below***

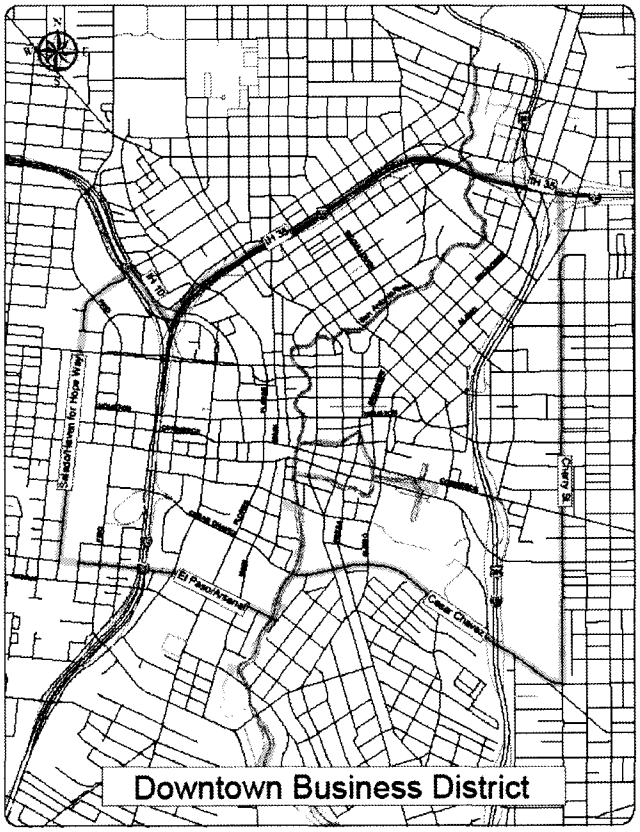


***Figure 310-11***

(b) **Design Standards and Guidelines.** Properties zoned "D" Downtown District shall be governed in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).

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Chapter 35, Article IV, is amended by adding Section 35-425 and renumbering Reserved Sections as follows:

**ARTICLE IV. PROCEDURES**

**Sec. 35-425. Design Review Procedures for the "D" Downtown Zoning District.**

(a) The review procedures for new infill development and redevelopment on property zoned "D" Downtown shall be in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).

**Secs. ~~35-425~~ 35-426 to 35-429. Reserved.**

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Chapter 35, Article IV, Section 35-451 is amended as follows:

**Sec. 35-451. Certificate of Appropriateness.**

(b) **Initiation.** Applications for certificates of appropriateness shall be referred to the commission by the historic preservation officer. In the case of an application for new infill development or redevelopment of property zoned "D" Downtown, the application shall be referred to the commission by the director of the planning and community development department and shall be guided by procedures specified in the Downtown Design Guide in Appendix G of this chapter (35-G101). In the case of an application for demolition, the commission shall be guided by procedures specified in sections 35-614 to 35-617 of this chapter.

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Chapter 35, Article IV, Sections 35-456 to 35-457 is amended by adding a new Section 35-456 and renumbering Reserved Sections as follows:

**Sec. 35-456. Certificate of Appropriateness for "D" Downtown Zoning District.**

(a) Applications proposing infill development projects or redevelopment projects on property zoned "D" Downtown Zoning District shall require review for appropriateness with the provisions of section 35-G101 (Downtown Design Guide).

(b) **Initiation.** Applications for certificates of appropriateness for projects in the "D" Downtown Zoning District shall be referred to the historic and design review commission by the director of the planning and community development department.

(c) **Review Process.** The review process shall be as specified in the Downtown Design Guide in Appendix G of this chapter (35-G101).

**Secs. ~~35-456~~ 35-457 to 35-469. Reserved.**

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Chapter 35, Article VI, Statement of Purpose is amended as follows:

**ARTICLE VI. HISTORIC PRESERVATION AND URBAN DESIGN**

*STATEMENT OF PURPOSE*

*The city council hereby recognizes that the City of San Antonio is internationally known for its beauty, friendliness, and historical significance. It is a noteworthy example of the confluence of diverse cultures in the new world. San Antonio is also uniquely blessed by its winding, meandering river. The river lends an incomparable quaintness and romantic charm especially to the downtown ~~central~~ business district, a fact that has long made it one of our city's principal tourist attractions. San Antonio's unique qualities have proven increasingly attractive to residents, business interests, and tourists.*

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Chapter 35, Article VI, Section 35-602 is amended as follows:

**Sec. 35-602. City Historic Preservation Officer.**

The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application under this article that shall come before the commission. This person shall have expertise...

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Chapter 35, Article VI, Section 35-618 (f) (2) A. is amended as follows:

**Sec. 35-618. Tax Exemption Qualifications.**

(f) **Historic Preservation Tax Exemptions.**

(2) **Historic Preservation Tax Exemption for New Historic Districts.**

A. **Homeowners in New Historic Districts.** For properties located within a historic district designated by the city council after October 1, 2000, all residential properties occupied by the property owner will qualify for an ad valorem tax credit amounting to twenty (20) percent of the assessed City of San Antonio ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district and will extend for a total of ten (10) tax years. This tax exemption does not apply to properties within a historic district designated by the city council prior to October 1, 2000 or to properties located within the San Antonio downtown ~~commercial~~ business district ~~(CBD)~~.

Chapter 35, Article VIII, Section 35-803 is amended by adding subsection (b) (15):

**Sec. 35-803. Historic and Design Review Commission.**

(b) **Duties and Functions.**

(15) To hold public hearings and review and make recommendations on applications for new development or redevelopment on property zoned "D" Downtown Zoning District, in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).

Chapter 35, Appendix A is amended as follows:

**APPENDIX A DEFINITIONS AND RULES OF INTERPRETATION**

**Sec. 35-A101. Definitions and Rules of Interpretation.**

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Downtown Business District. The area originally settled and the locus of economic activity in the region. This shall include the area described as follows: Start at the intersection of Salado and El Paso Streets; north on Salado/Haven for Hope Way to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwalader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Cesar E. Chavez Boulevard; west on Cesar E. Chavez Boulevard to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado

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Downtown housing facility. Building or structures used or to be used as a housing unit. A housing unit is a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as living quarters. The facility must be a year-round housing unit. Year round housing units include all units

occupied by one (1) or more persons for whom it is usual residence. In the case of mixed-use downtown housing facilities, seventy-five (75) percent of the project must be intended for housing. This amount is based on gross square footage. All common areas will be prorated. This facility must be located within the San Antonio downtown ~~central~~business district. ~~It shall be limited to properties within the following boundaries: start at the intersection of Salado and El Paso streets; north on Salado to its intersection with Frio street; thence northeast in a straight line to the intersection of IH-10 and Cadwalder; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry street to Durango Boulevard; west on Durango to the San Antonio River; south along the San Antonio River to Arsenal street; west on Arsenal to El Paso Street; and the west on El Paso to Salado.~~

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**SECTION 7.** All other provisions of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**SECTION 8.** 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 9.** The City Clerk is directed to publish notice of these amendments to Chapters 13, 16, 22 and 35, 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 10.** 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 11.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 3rd day April of 2014.

**M A Y O R**
**Julián Castro**

**ATTEST:**

Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

for Robert F. Greenblum, City Attorney

| | |
|---|---|
| **Agenda Item:** | **10 ( in consent vote: 5, 7, 8, 9, 10, 11, 13, 14, 15 )** |
| **Date:** | 04/03/2014 |
| **Time:** | 09:22:50 AM |
| **Vote Type:** | Motion to Approve |
| **Description:** | An Ordinance amending the City Code of San Antonio, Texas, by adopting the Downtown Design Guide as an appendix to Chapter 35, Unified Development Code, providing for procedures and definitions to implement the Downtown Design Guide and harmonizing the definition of Downtown Business District in Chapters 13, 16, 22 and Chapter 35 of the City Code. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning & Community Development] |
| **Result:** | Passed |

| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
|---|---|---|---|---|---|---|---|
| Julián Castro | Mayor | | x | | | | |
| Diego Bernal | District 1 | | x | | | | x |
| Ivy R. Taylor | District 2 | | x | | | | |
| Rebecca Viagran | District 3 | | x | | | | |
| Rey Saldaña | District 4 | | x | | | x | |
| Shirley Gonzales | District 5 | | x | | | | |
| Ray Lopez | District 6 | | x | | | | |
| Cris Medina | District 7 | | x | | | | |
| Ron Nirenberg | District 8 | | x | | | | |
| Joe Krier | District 9 | x | | | | | |
| Michael Gallagher | District 10 | | x | | | | |