



City of San Antonio

Agenda Memorandum

File Number:15-5756

Agenda Item Number: 4.

Agenda Date: 11/16/2015

In Control: Neighborhoods and Livability Committee

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick J. Sanchez, AICP, CBO

COUNCIL DISTRICTS IMPACTED: All

SUBJECT:

2015 Unified Development Code Updates

SUMMARY:

Briefing and possible action on amendments to Chapter 35, the Unified Development Code (UDC), of the City Code of San Antonio, affecting all Articles, Appendices, and adding a new Appendix. These amendments are part of the 2015 UDC 5-year update program.

BACKGROUND INFORMATION:

The San Antonio City Council adopted the UDC on May 3, 2001. UDC Chapter 35-111 provides for an update process every 5 years. The UDC authorizes the Zoning Commission, Planning Commission, Board of Adjustment, Historic Design Review Commission, City Council, and other appropriate City boards to initiate amendments to the UDC 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. Other individuals may submit amendments to the UDC that meet one of the following criteria:

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.

The UDC implements the City's Comprehensive Plan and Master Plan policies. In addition, the UDC includes development regulations for subdivision platting, zoning, and street and drainage design standards, as well as historic preservation. This amendment process is intended to help strengthen and clarify regulations, and carry out City Council priorities.

For the last several months, amendments have been reviewed and considered by several stakeholders and the Planning Commissions Technical Advisory Committee (TAC). DSD served as the administrator over this process and accepted over 200 submissions. As the UDC process continues, below is an outline of what has occurred:

On May 1, 2015, 260 amendments were submitted by 30 internal/external agencies and/or private citizens. The internal agencies included:

- Development Services
- Transportation and Capital Improvements
- Office of Historic Preservation
- SAWS
- Bexar County
- Parks and Recreation
- City Attorney's Office

On July 13, 2015, TAC considered 76 external amendments to determine if they were editing, clarification, or not editing or clarification. TAC sent all 76 to Planning Commission for further review.

On August 12, 2015 - Planning Commission evaluated the external amendments for:

TAC recommendation, compliance with the UDC, needed changes, and/or sponsorship. Planning Commission sponsored 33 of the 76 external amendments and sent them back to TAC for full consideration.

The Planning Commission did not sponsor an external amendment relating to changes in the Use Matrix for Ambulatory Surgical Centers. However, the Commission did direct staff to create a definition of Ambulatory Surgical Centers with no impact to the zoning matrix with regards to the districts in which an ambulatory surgical center is allowed.

The remaining amendments did not meet the UDC criteria and were not sponsored by the Planning Commission.

From July to September 2015, TAC has been meeting every week, they have considered and approved over 200 amendments.

- 22 Category 1 (minor)
- 145 Category 2 (major)
- 33 Category 3 (major/extended discussion)

October - Planning Commission, Zoning Commission, Board of Adjustments, and Historic Design Review Commission (for OHP amendments only) considered the amendments.

November 2015 - TAC will continue to consider remaining items that include:

- Low Impact Development (LID) / Conservation Subdivision

City Council Consideration:

- November 16, 2015: Neighborhoods and Livability Committee Briefing
- December 10, 2015 - tentatively scheduled City Council briefing and consideration
- January 1, 2016 - Effective date of amendments

ISSUE:

Staff and the Planning Commission Technical Advisory Committee (TAC) agreed on approximately 200 of the amendments considered. The following items were considered by several of the board and commissions and represent areas of disagreement.

- Amendment 13-1/21-1 (submitted by Planning Commission) creates a definition for Ambulatory Surgical Centers with no impact/change to the Zoning matrix. These would continue to be allowed in O-1 & O-1.5, O-2, NC, C-1, C-2, C-3, D, and ERZD.
 - Zoning Commission failed to make a recommendation
 - Planning Commission and Board of Adjustment recommend approval
- Amendment 24-8 (submitted by OHP) provides that the City may place a lien on a property to recoup fund spent to correct a historic violation.
 - Zoning Commission failed to make a recommendation
 - Concern about allowing OHP to place liens on properties
 - Planning Commission and Board of Adjustment recommend approval
- Amendment 19-5 (submitted by TCI) to provide requirements for bicycle lane facilities for collectors, secondary, and primary arterials.
 - TAC recommendation of Denial
 - Planning Commission recommendation of Denial
 - Concern from TAC and PC: extra cost and disjointed/non-contiguous sections of bicycle facilities
 - Zoning Commission and Board of Adjustment recommend approval
 - TCI still moving this forward
- Amendment 9-1 (submitted by HEB) which relates to changing the way sidewalks and infrastructure must be improved in relation to building projects by adding a proportionality calculation to those improvements.
 - Example: Existing HEB building evaluation is \$100,000.00; cost of improvements is \$50,000.00; sidewalk improvement would impact 50% of the existing sidewalks.
 - TAC, BOA, ZC, and PC recommendation for approval
 - TCI and DSD staff recommend denial
- Amendment 28-102 (submitted by DSD) relating to conditional uses and specific uses where the base zoning district is not changing but is inconsistent with the underlying future land use plan designation
 - ZC and PC recommendation for denial
 - Concern from City Attorney's Office regarding legality of one section
 - Staff worked with CAO to remove the portion of concern and briefed ZC and PC of the change. The rest of the amendment will continue forward in the process.
- Major TAC discussions: TAC, PC, ZC, and BOA recommended approval:
 - Storm Water Design
 - Food Policy Council
 - Secondary Access
 - Bexar County- Secondary Access, removing density and zoning restriction for PUD

- development in the ETJ, and streets and sidewalk requirements.
- Master Development Plan/Rights Validity
- DSD - Sidewalk

ALTERNATIVES:

On each amendment the main alternative is to leave the Unified Development Code as it exists today, without an amendment.

FISCAL IMPACT:

There is no anticipated fiscal impact to the City's general fund or the Development Services Department's enterprise fund with this proposed ordinance other than line items already within the approved budget to provide for codification, publishing, and printing through the contract with Municipal Code Corporation (Municode).

RECOMMENDATION:

The Development Services Department recommends approval of all of amendments with the exception of Amendment 9-1 (submitted by HEB), which relates to changing the way sidewalks and infrastructure must be improved in relation to building projects by adding a proportionality calculation to those improvements. DSD also recommends that the amendments be sent to the full City Council for approval on December 10, 2015.