

AN ORDINANCE 2018-10-11-0815

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS AMENDING ARTICLE IV, DIVISION 3, SECTION 35-420 (e) (5) COMPREHENSIVE LAND USE CATEGORIES, AND APPENDIX A, SECTION 35-A101. – DEFINITIONS AND RULES OF INTERPRETATION.

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WHEREAS, as part of the SA Tomorrow Comprehensive Plan implementation process uniform standards and vernacular were developed for comprehensive land use categories to be used in adopting a comprehensive land use map for the entire City of San Antonio; and

WHEREAS, a public hearing was held on May 23, 2018 by the Planning Commission allowing all interested persons to be heard; and

WHEREAS, a public hearing was held on June 5, 2018 by the Zoning Commission allowing all interested persons to be heard; and

WHEREAS, the Planning Commission and the Zoning Commission have recommended approval of amendments to Chapter 35 of the City Code for Comprehensive Land Use Categories; and

WHEREAS, the San Antonio City Council has determined that it would be in the best interest of the City to amend City Code, Chapter 35, Article IV, Division 3, Section 35-420 (e) (5), Comprehensive, Neighborhood, Community, Perimeter and Sector Plans, and Appendix A, Section 35-A101. - Definitions and Rules of Interpretation; **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 IV, Division 3, Section 35-420 (e) (5) is amended as follows:

DIVISION 3. ZONING PROCEDURES

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

(e) Approval Criteria

- (5) ~~Comprehensive Land Use Categories Interpretation – Materially Similar Uses and Densities.~~ 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. The Director of the Planning Department shall make a determination if a use not included in Section 35-A101 can reasonably be interpreted to fit into a category where similar uses are described. Interpretations may be ratified by the City Council upon recommendation by the planning commission at a regularly scheduled meeting. It is the intent of this article to group similar or compatible land uses into specific land use categories. The director's decision shall be recorded in writing. Should the director of the planning department determine that a materially similar category does not exist, the matter may be referred to the planning commission for consideration for amendment to this chapter to establish a specific listing for the category in question. Unless an appeal is timely filed pursuant to this chapter, a decision of the director of the planning department pursuant to this section is deemed to be valid. If the director's interpretation is denied by City Council, then decisions prior to the denial made in reliance on the director's interpretation shall be deemed to be nonconforming categories or uses. Certain Special Districts shall require a finding of consistency for specific project requests based on the adopted land use plan.

Chapter 35, Appendix A is amended as follows:

35- A101. Definitions and Rules of Interpretation

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, sector, perimeter plans and any other~~ elements of the comprehensive plan:

~~Low density residential estate~~ Residential Estate – includes large lot ~~singe~~ 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 nonresidential uses such as schools, places of worship, and parks that are centrally located for convenient neighborhood access. Permitted zoning districts: FR, R-20, RE, and RP ~~and RD, as well as IDZ with uses and density permitted in R-20, RE, RP, and RD.~~

- Typical densities in this land use category would be up to 2 dwelling units per acre.

~~Low density~~ ~~Density residential~~ ~~Residential~~ – includes single-family detached houses on individual lots, including manufactured and modular homes ~~at typical suburban densities~~. This form of development should not typically be located adjacent to ~~be located away from~~ major arterials, ~~and~~. This land use category can include certain nonresidential uses such as schools, places of worship, and parks that are centrally located for convenient neighborhood access. Permitted zoning districts: R-4, R-5, R-6, NP-8, NP-10, and NP-15, and UD, as well as IDZ with uses and density permitted in R-5, R-6, NP-8, NP-10, NP-15, and UD.

- Typical densities in this land use category would range from 3 to 12 dwelling units per acre.
- IDZ and PUD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Urban Low Density Residential – includes a range of housing types including single-family attached and detached houses on individual lots, small lot residences, duplexes, triplexes, fourplexes, cottage homes, manufactured homes, low-rise garden-style apartments, and manufactured home parks. This land use category may also accommodate small scale retail and service uses that are intended to support the adjacent residential uses. Other nonresidential uses, including, but not limited to, 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, R-5, R-6, RM-5, RM-6, MF-18, MH, MHC, MHP, and NC.

- Typical densities in this land use category would range from 7 to 18 dwelling units per acre.
- IDZ, PUD, MXD, and TOD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

~~Medium-density~~ ~~Density residential~~ ~~Residential~~ – accommodates a range of housing types including single-family attached and detached houses on individual lots, manufactured and modular homes, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four (4) 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.~~ Higher density multi-family uses, where practical, should be located in proximity to transit facilities. Certain nonresidential uses, ~~such as~~ including, but not limited to, 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, MF-25, MF-33, MH,

~~MHC, and MHP and UD, as well as IDZ with uses and density permitted in R-3, R-4, RM-4, RM-5, RM-6, MF-18 and UD.~~

- Typical densities in this land use category would range from 13 to 33 dwelling units per acre.
- IDZ, PUD, MXD, and TOD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

~~High density residential~~ Residential – includes low-rise to mid-rise ~~apartments buildings~~ with ~~more than~~ four (4) ~~or more~~ dwelling units ~~per building in each~~. 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. High density multi-family uses should be located in close proximity to transit facilities. Certain nonresidential uses, ~~such as~~ including, but not limited to 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: RM-4, MF-25, MF-33, MF-40, MF-50, MF-65, MH, MHC, and MHP and UD, as well as IDZ with density permitted in MF-25, MF-33, and UD.

- Typical densities in this land use category would range from 25 to 50 dwelling units per acre.
- IDZ, PUD, MXD, and TOD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

~~Very high density residential~~ – includes mid rise to high rise apartments with more than four (4) 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, MF 50, and MF 65, as well as IDZ with density permitted in MF 40, MF 50 and MF 65.~~

~~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~~ Commercial – includes smaller intensity commercial uses such as small-scale retail or offices, professional services, and convenience retail and services, ~~and shop front retail~~ that are intended to support the adjacent residential uses. 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.~~ Special consideration should be given to pedestrian and bicycle facilities that connect neighborhoods to commercial nodes. Permitted zoning districts: O-1, NC, and C-1,~~and O-1.~~

- IDZ, PUD, MXD, TOD, and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Community ~~commercial~~ Commercial – includes offices, professional services, and retail uses that are accessible to bicyclists and pedestrians and linked to transit facilities. This form of development should be located ~~at nodes on arterials at in proximity to~~ major intersections or where an existing commercial area has been established. Community commercial uses are intended to support multiple neighborhoods, have a larger market draw than neighborhood commercial uses, and attract patrons from the neighboring residential areas. Parking areas should be located behind the building, with the exception of one row of parking facing the street. Additionally, a~~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, but are not limited to, cafes, offices, restaurants, beauty parlors, neighborhood groceries or markets, shoe repair shops and medical clinics. Permitted zoning districts: O-1.5, NC, C-1, and C-2,~~C-2P and UD.~~

- IDZ, PUD, MXD, TOD, and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Regional ~~commercial~~ Commercial – includes high ~~density land~~ intensity uses that draw customers from ~~a larger both adjacent communities as well as the larger metropolitan region.~~ Regional commercial uses are typically located ~~at intersection in general proximity to~~ nodes along expressways or major arterial roadways and incorporate or adjacent to high-capacity mass transit system stations facilities. ~~These commercial nodes are typically twenty (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~~landscaping between the parking lots and ~~street~~roadways, and well- designed, monument signage. Examples of regional commercial uses include, but are not limited to, movie theaters, ~~wholesale~~ plant nurseries, automotive repair shops, fitness centers, home improvement centers, hotels and motels, mid- to ~~high~~high-rise office buildings, and automobile dealerships. Permitted zoning districts: O-1.5, O-2, C- 2, ~~C-2P~~, C-3, L, and BP~~and UD~~.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Neighborhood Mixed-Use – contains a mix of residential, commercial, and institutional uses at a neighborhood scale. Within mixed-use buildings, residential units located above first floor are encouraged. Typical first floor uses include, but are not limited to, small office spaces, professional services, and small scale retail establishments and restaurants. The mix of uses may be vertically or horizontally distributed, and there is no requirement that a single building contain more than one use. Live/work housing options are permissible in Neighborhood Mixed-Use area to ensure access to housing options and services within close proximity for the local workforce. Where practical, buildings are situated close to the public right-of-way, and parking is located behind buildings. Parking requirements may be minimized using a variety of creative methods, such as shared or cooperative parking agreements, to maximize land available for housing and community services. Pedestrian spaces are encouraged to include lighting and signage, and streetscaping should be scaled for pedestrians, cyclists, and vehicles. Properties classified as Neighborhood Mixed-Use should be located in close proximity to transit facilities. Permitted zoning districts: RM-4, RM-5, RM-6, MF-18, O-1, NC, C-1, MH, MHC, MHP, FBZD, AE-1, and AE-2.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Urban Mixed-Use – contains a mix of residential, commercial, and institutional uses at a medium level of intensity. Urban Mixed Use development is typically larger-scale than Neighborhood Mixed-Use and smaller-scale than Regional Mixed-Use, although many of the allowable uses could be the same in all three categories. Building footprints may be block-scale, but could be smaller depending on block configuration and overall development density. Typical first floor uses include, but are not limited to, professional services, offices, institutional uses, restaurants, and retail including grocery stores. The mix of uses may be vertically or horizontally distributed, and there is no requirement that a single building contain more than one use. Live/work housing options are permissible in Urban Mixed-Use areas to ensure access to housing options and services within close proximity for the local workforce. Structured parking is

encouraged in Urban Mixed-Use category, but is not required. Parking requirements may be satisfied through shared or cooperative parking agreements, which could include off-site garages or lots. The Urban Mixed-Use category should be located in proximity to transit facilities. Permitted zoning districts: RM-4, RM-5, RM-6, MF-18, MF-25, MF-33, MF-40, O-1, O-1.5, C-1, C-2, MH, MHP, MHC, FBZD, AE-1, AE-2, AE-3, and AE-4.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Regional Mixed-Use – contains residential, commercial and institutional uses at high densities. Regional Mixed-Use developments are typically located within regional centers and in close proximity to transit facilities, where mid-rise to high-rise buildings would be appropriate. Typical lower floor uses include, but are not limited to, offices, professional services, institutional uses, restaurants, and retail including grocery stores. The mix of uses may be vertically or horizontally distributed, and there is no requirement that a single building contain more than one use. Live/work housing options are permissible in Regional Mixed-Use areas to ensure access to housing options and services within close proximity for the local workforce. Where feasible, development is ideally built at the block scale, with minimum building setbacks.

Parking requirements may be satisfied through shared or cooperative parking agreements, which can include off-site garages or lots. If parking requirements are satisfied on-site, structured parking is encouraged. Pedestrian spaces are encouraged to be generous in width and lighting, with streetscaping and signage scaled to pedestrians. Regional Mixed Use projects encourage incorporation of transit facilities into development. Permitted zoning districts: MF-33, MF-40, MF-50, MF-65, O-1.5, O-2, C-2, C-3, D, ED, FBZD, AE-1, AE-2, AE-3, and AE-4.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Employment/Flex Mixed-Use – provides a flexible live/work environment with an urban mix of residential and light service industrial uses. Uses include smaller-scale office, retail, art studio warehouses, art-oriented fabrication, creative businesses and work spaces, and cottage industrial and fabrication uses. Adaptive uses of vacant or underutilized structures are encouraged to provide residential urban infill and appropriate employment opportunities within or in close proximity to neighborhoods. Buildings have a smaller footprint and can closely resemble campus-like development across multiple sites or with several multi-functioning buildings on one site. Permitted zoning districts: RM-4, MF-18, MF-25, MF-33, O-1, O-1.5, C-1, C-2, L, AE-1, AE-2,

AE-3, and AE-4.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Business/Innovation Mixed-Use – accommodates industrial uses with office, commercial, and residential uses, all within a cohesive setting, on a larger scale and within larger footprints than the Employment/Flex Mixed-Use category. Industrial arts workshops, high tech fabrication, processing and assembly, and other industrial uses are permitted, in addition to commercial uses. Vocational training, technological learning centers, medical campuses, and research/development institutions are also appropriate for these spaces. Additional environmental performance standards should be employed for properties designated as Business/Innovation Mixed-Use, such as hours of activity, loading, noise levels and lighting, to ensure that the intensity of the industrially oriented uses is comparable to that of the other non-residential uses. The mix of uses may be either vertically or horizontally distributed. Live/work housing options are permissible in Business/Innovation Mixed Use areas to ensure access to housing options and services within close proximity of business innovation areas for the local-workforce. Business/Innovation mixed use should incorporate transit and bicycle facilities to serve the training and employment base. Permitted zoning districts: RM-4, MF-18, MF-25, O-1.5, O-2, C-2, C-3, L, I-1, MI-1, BP, AE-1, AE-2, AE-3, and AE-4.

- IDZ, PUD, MXD, TOD and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

~~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: IDZ, 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~~ 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~~ should be under a roof and screened from public view. Examples of light industrial uses include drug laboratories, furniture wholesalers, lumberyards, ~~tamale factories~~ food production, and warehousing. Permitted zoning districts: ~~BP~~, L, I-1, MI-1, and BP-I-1.

- IDZ, TOD, and MPCD may be considered consistent with this land use category, provided the permitted uses included on the zoning site plan and zoning ordinance are consistent with the uses and densities outlined above.

Heavy ~~industrial~~ Industrial – includes heavy manufacturing, processing and fabricating businesses. Heavy industrial uses shall be concentrated at arterials, expressways, and railroad lines. This ~~use category~~ is not compatible with ~~residential uses and neighborhood-scaled categories or those that permit residential zoning.~~ Heavy Industrial should be separated from ~~residential non-industrial~~ uses by an ~~intermediate allowable~~ 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-1, I-2, MI-1, ~~and~~ MI-2, QD, and SGD.

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 and ranching uses, such as farmers markets, nurseries, stables, ~~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. Floodplain 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~~ Open space-Space – may includes, but is not limited to, large, ~~or~~ linear, or unimproved land where conservation is promoted and development is not encouraged due to the presence of topographic constraints or institutional uses on the site. Parks/open Open space-Space may include ~~floodplains~~, utility corridors, ~~and~~ public ~~and~~ or private land uses that encourage outdoor passive or active recreation. Examples include city owned and/or operated pocket, regional, or linear parks, as well as private parks associated with subdivisions and neighborhood associations.

City/State/Federal Government – includes areas owned and operated by a federal, state, or city agency. Examples may include government offices, public service facilities such as libraries and police stations, military bases, state colleges, and federal courts. This category does not apply to properties owned by a public agency but leased to and operated by another party.

SECTION 3. 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 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, Unified Development Code, of the City of San Antonio, Texas 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 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 11th day of October, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney