

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
DEVELOPMENT SERVICES DEPARTMENT**

TO: Mayor and City Council

FROM: Florencio Peña III, Director, Development Services
Emil R. Moncivais, AIA, AICP, Planning Director

THROUGH: Terry M. Brechtel, City Manager

COPIES: Roderick J. Sanchez, AICP Assistant Development Services Director; Andrew Martin City Attorney; File

SUBJECT: Revision to the Unified Development Code for presentation to City Council January 8, 2003.

DATE: December 3, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance contains seven (7) amendments to the Unified Development Code (UDC). The seven amendments have been reviewed and approved by the UDC Technical Advisory Committee (UDC TAC). Staff recommends approval of amendments 1 (home owners association responsibility portion only), 6 & 7 and denial of amendments 4 & 5. The remaining provisions of amendment 1 and all of amendments 2 and 3 were deferred by the City Council Urban Affairs Committee so that the Committee could gather additional data on small lot subdivisions.

BACKGROUND INFORMATION

On May 3, 2001 City Council adopted a new Unified Development Code (UDC). The UDC TAC was established for an eighteen-month period to analyze and resolve problems with implementation and to address any inadvertent errors and omissions with the adopted document. The City Council on January 17, 2002 expanded the role of the UDC TAC to allow it to recommend substantive as well as procedural changes to the UDC. Including these proposed amendments, the UDC TAC has recommended over 200 amendments to the UDC. The majority of the amendments recommended by the UDC TAC have been minor edits or corrections however they have made some substantive recommended changes as well. The UDC TAC expired on December 31, 2002.

POLICY ANALYSIS

This ordinance contains the following amendments:

AMENDMENT 1

Amends the PUD zoning provisions by clarifying the role of the property owners' responsibility relative to the maintenance and care of areas of common ownership by the property owners association. The new wording brings the provisions in concurrence with State law. The UDC TAC, Zoning and Planning Commissions recommended approval. Staff recommends approval. (See "Attachment - 1" for additional details) The remainder of the proposed amendment has been deferred by the City Council Urban Affairs Committee to a later date to be determined.

AMENDMENT 2

Creation of a provision for "enclave subdivisions" has been deferred by the City Council Urban Affairs Committee to a later date to be determined.

AMENDMENT 3

Creation of an "R-3" zoning district permitting 3,000 sq. ft. lots has been deferred the City Council Urban Affairs Committee to a later date to be determined.

AMENDMENT 4

The UDC as adopted in May 2001 requires a 2-foot planting strip between the curb and the sidewalks for Local A and B, collectors and arterials. This amendment would eliminate the 2-foot planting strip on local "A" streets. This amendment was submitted due to concern for water lines being placed directly under the sidewalks and limiting flexibility to save trees in this portion of the right of way. The UDC TAC, Planning and Zoning Commissions recommend approval. Staff recommends denial. (See "Attachment - 2" for additional details)

AMENDMENT 5

Would allow an automobile dealership with auto repair and auto body as accessory uses over the ERZD with a Specific Use Authorization from City Council. The former UDC allowed vehicle sales, auto body and auto repair over the ERZD with special City Council approval. The current UDC allows auto sales over the ERZD with Specific Use Authorization from City Council but does not allow auto body and auto repair over the ERZD. Auto body and auto repair facilities associated with a dealership are not considered accessory to the dealership since they service vehicles that were not purchased from the dealership. Therefore, a dealership with auto body and auto repair is not currently allowed over the ERZD. The UDC TAC recommended approval. San Antonio Water Systems (SAWS) and the Zoning Commission recommend against this amendment. Staff supports SAWS in their recommendation against this amendment. (See "Attachment - 3" for additional details)

AMENDMENT 6

Revises the terms of reference related to the Director, Director of Planning, Public Works, and Development Services (formerly Building Inspections) to reflect the administrative changes affected with the restructuring and creation of the Development Services Department. The UDC TAC, Planning Commission, Zoning Commission and staff support this amendment. (See "Attachment - 4" for additional details)

AMENDMENT 7

Clarifies the process of amending a neighborhood, community, or perimeter plan when an application for rezoning is inconsistent with the land use element of Neighborhood, Community or Perimeter Plans that are adopted as components of the City's Master Plan. Specifically, this amendment adds additional notice provisions to the UDC, clarifies the duties of the Zoning Commission in reviewing applications for rezoning for consistency with the City's Master Plan components, and clarifies the procedural aspects of amending the Master Plan so that the City Council may take action on the zoning case. This particular amendment was conceived to codify the existing practice of encouraging applicants to request an amendment to the Master Plan simultaneously with the rezoning case. By having a parallel process, applicants can save up to three or four weeks of processing time. In addition, staff proposes an analysis of Master Plan consistency procedure whereby applicants would be informed by staff within five days of submitting their application if the proposal conformed to the Master Plan. This amendment will implement one of the intents of the UDC that is ambiguous as the Code is currently written. The UDC TAC, Planning and Zoning Commissions and staff support this amendment. (See "Attachment - 5" for additional details)

FISCAL IMPACT

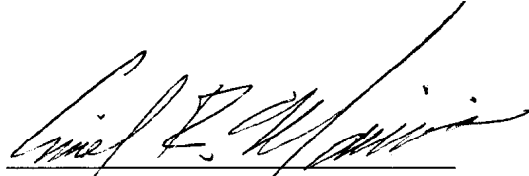
There is no financial impact in reference to Amendment 1 – 6. However, the recommendation of the Planning Commission for Amendment 7 will add Neighborhood Planning Teams to the notification procedures for rezoning cases will increase notification costs for applications for rezoning. Neighborhood Planning Teams range in size from as few as 13 individuals to as many as 97. The average planning team size is 48 individuals. As more areas of the City are subject to Neighborhood, Community, and Perimeter Plans, an increasing number of zoning cases would need to include this additional notification. Because of this additional notice, there could be a need in the future to increase the notification fee charged to applicants.

COORDINATION

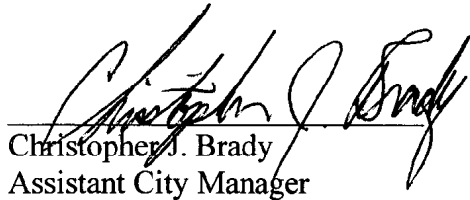
This ordinance was coordinated with the City Attorney's Office, the Planning Department, Zoning and Planning Commissions, City Council Urban Affairs Committee and the San Antonio Water Systems.



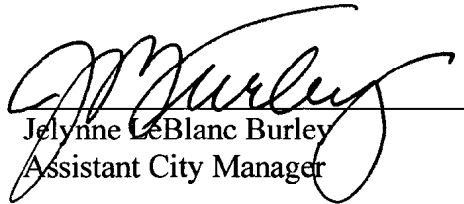
Florencio Peña, III
Director, Development Services



Emil R. Moncivais, AICP, AIA
Director, Planning Department

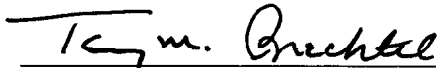


Christopher J. Brady
Assistant City Manager



Jelynn LeBlanc Burley
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

ATTACHMENT 1

Amendment to Section 35-344, Planned Unit Development District (PUD), to provide for the provision of Common Areas and Facilities by adding the following text for section (i) Common areas and facilities and (j) PUD plan.

(i) Common areas and facilities:

Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the PUD. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The dedicatory instrument(s) must be approved by the City Attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

"Property owners' association" means an incorporated or unincorporated association that;

- a. is designated as the representative of the owners of property in a residential subdivision;
- b. that has a membership primarily consisting of the owners of property covered by the dedicatory instrument for the residential subdivision; and
- c. that manages or regulates the residential subdivision for the benefit of the owners of property in the subdivision.

"Dedicatory instrument" means each governing instrument covering the establishment, maintenance, and operation of a residential subdivision. The term includes restrictions or other similar instruments subjecting property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association, to properly adopted rules and regulations of the property owners' association, and to all lawful amendments to the covenants, bylaws, rules, or regulations.

"Property owners' association" means the designated representative of the owners of property in a subdivision and may be referred to as a "homeowners association," "community association," "civic association," "civic club," "association," "committee," or similar term contained in the dedicatory instrument.

"Regular assessment" means an assessment, a charge, a fee, or dues that each owner of property within a residential subdivision is required to pay to the property owners' association on a regular basis and that is designated for use by the property owners' association for the benefit of the residential subdivision as provided by the dedicatory instrument.

"Special assessment" means an assessment, a charge, a fee, or dues, other than a regular assessment, that each owner of property within a residential subdivision is required to pay to the property owners' association, according to the procedures required by the dedicatory instrument, for:

- a. defraying, in whole or part, the cost whether incurred before or after the assessment, of any construction or reconstruction, unexpected repair, or replacement of a capital improvement in common areas owned by the property owners' association, including the necessary fixtures and personal property related to the common areas;
- b. maintenance and improvement of common areas owned by the property owners' association; or
- c. other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.

~~Adequate provision shall be made for a community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the PUD. The applicant shall submit a legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities and demonstrating that the community association is self-perpetuating and adequately funded to accomplish its purposes, and providing the city with written permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The instrument must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.~~

(j) PUD plan

After the PUD zoning is granted, a PUD Plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning. The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of private streets and other commonly owned facilities.

Amend Table 506-3 to eliminate the requirement for a 2' minimum Planting Strip on Local Type A Street.

Table 506-3
Conventional Street Design Standards

Street Type	Marginal Access	Alley	Access to Conservation Subdivision	Local Type A	Local Type B	Collector	Secondary Arterial ¹	Primary Arterial ²
ROW (min.) ⁸	36'	24'	36' 34'	50'	60'	70'	86'	120'
Pavement Width ⁸	26'	18-24'	24' ⁷	28'	40'	44'	48'	72-48'
Grade (max.) ³	12%	12%	12%	12%	12%	7%	5%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
"K" Crest Curve	30	NR	30	30	30	55	70	70
"K" Sag Curve	35	NR	35	35	35	55	60	60
Centerline Radius (min.)	100'	50'	100'	100'	100'	400'	700'	1,200'
Stopping Sight Distance	75'	75'	75'	110'	150'	200'	300'	300'
Curb	No	No	No	Yes	Yes	Yes	Yes	Yes
Median	NR	NR	NR	NR	NR	NR	14' min.	14' min.
Sidewalk Width (see subsection (q)(5))	NR	No	4'6" One Side Only	4'	4'6"	4'6"	4'6"	4'6"
Bike Facilities ⁶	NR	NR	NR	Nr	NR	City Option ⁵	Yes Path ⁵	Yes Path ⁵
Trees	NR	No	NR	NR	NR	Yes	Yes	Yes
Planting Strips	NR	NR	NR	NR 2' Min	2' Min	2' Min.	2' Min	2' Min.

ATTACHMENT 3

Amend Table 311-2 Non-Residential Uses to allow National Franchised Dealerships over the ERSD with City Council authorizing a Specific Use Permit.

[illegible]

Auto	Auto & Vehicle Sales - (National Franchized Dealerships)						S		P			S	2110	
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ATTACHMENT 4 (see attached ordinance)

Amend throughout the UDC the terms of reference relative to Director, Building Inspections Director, Development Services Director, Public Works Director and Public Works Director.

ATTACHMENT 5

Amend Section 35-404, 420, 421 and Appendix C, Section 35-C110 of the Unified Development Code to address the processing of Neighborhood Plans as follows.

35-404 Public Hearings Procedures

(b) Meetings

The Planning Commission, and Zoning Commission, and Historic and Design Review Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Chapter. On those items where it has review authority, the Zoning Commission or Planning Commission shall recommend that the City Council approve, approve with conditions or deny such items applications. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the City Council, or amendment thereto, or other development approval, has been duly submitted to the Zoning Commission or Planning Commission, and said Commission has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. The Director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the City Council for its consideration.

35-420 Comprehensive, Neighborhood, Community and Perimeter Plans

(e) Approval Criteria

Contents

All plans shall include the following elements: land use, community facilities, and transportation networks. The Plan shall contain an existing land use map and a future land use map. The Plan shall include cross-references comparing future land use categories to comparable zoning districts established by Article III of this Chapter. Pursuant to VTCA Local Government Code §219.005 (Notation on Map of Comprehensive Plan), a map of a plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries." The Plans shall include goals, objectives and policies for each element. The Plans shall be consistent with the Master

Plan. The Plans will suggest time frames, responsible parties, and potential funding sources for implementation of the Plan.

35-421 Zoning Amendments

(c) Completeness Review

The Planning Development Services Director shall conduct a completeness review as set forth in § 35-402 of this Chapter within two (2) working days of application submittal. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Zoning Commission.

For all applications for rezoning, the Development Services Director, with Planning Department consultation and based on the information provided by the applicant, shall provide an analysis regarding consistency with the policies contained in the Master Plan of the City or if applicable the land use element of a Neighborhood, Community, or Perimeter Plan adopted pursuant to §35-420 of this Chapter within five (5) working days. If the Zoning Commission makes a determination that the requested rezoning is inconsistent with the Master Plan policies or the land use element of the applicable Neighborhood, Community or Perimeter plan, then the application for rezoning shall not be deemed complete until a completed application for a Master Plan amendment is filed with the Planning Department, provided however, the Zoning Commission may make a recommendation on the application for rezoning subject to submission of an application for a Master Plan amendment. If the Zoning Commission determines that the requested change is consistent with the Master Plan policies or the land use element of the applicable Neighborhood, Community or Perimeter plan, then the zoning case may be deemed complete without an amendment to the Master Plan of the City.

Commentary: The Master Plan is the comprehensive plan for the physical development of the City, as prescribed in the City Charter. The Master Plan includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof. Neighborhood, Community and Perimeter Plans are components of the Master Plan. In those cases where the Zoning Commission finds that an application for rezoning is not consistent with the land use plan element of a Neighborhood, Community, or Perimeter Plan the commission may 1.) Continue the zoning case pending a recommendation by the Planning Commission on a Master Plan amendment 2.) Recommend approval of the zoning case contingent on an application for a Master Plan amendment or 3.) Deny the application for rezoning. Applicants for rezoning are encouraged to request a Master Plan amendment before the submission of the zoning case so that action on the zoning case is not delayed.

(e) Approval Criteria

In its review of an application for rezoning, the City Council shall consider the following criteria. No single factor is controlling. Instead, each must be weighed in relation to the other standards. If the Zoning Commission finds that a proposed zoning amendment is

inconsistent with the land use element of a Neighborhood, Community or Perimeter Plan adopted pursuant to §35-420 of this Chapter, as applicable, the application shall not be considered by the City Council until a recommendation regarding a Master Plan amendment for the proposed zoning amendment has been forwarded by the Planning Commission to the City Council, either prior to or concurrently with the proposed zoning amendment.

(1) Consistency

The City Council does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The city's zoning map shall be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose. ~~The proposed rezoning shall comply with any comprehensive plan that has been adopted pursuant to VTCA Local Government Code chapter 219, and any Neighborhood Plan, Community Plan or Perimeter Plan recognized pursuant to § 35-420 of this Chapter.~~

(2) Adverse Impacts on Neighboring Lands

The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezoning which promote mixed uses subject to a high degree of design control is not necessarily deemed to be inconsistent with neighboring lands and shall be considered

(3) Suitability as Presently Zoned

The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

(4) Health, Safety and Welfare

The amendatory ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

(5) Public Policy

A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, or mixed use development which functionally relates to the surrounding neighborhoods.

(6) Size of Tract

The City Council shall consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single city lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify an amendatory ordinance.

(7) Other Factors

The City Council may consider any other factors relevant to a rezoning application under Texas law.

SECTION 5. Chapter 35, Appendix C, Section 35-C110 of the City Code of San Antonio, Texas is hereby amended as follows:

Appendix C ~~Exhibit C~~ Fee Schedule

35-C110 Master Plan Amendments

A fee shall be paid for the processing of any Master Plan Amendments pursuant to §35-421 of this Chapter. All fees must be paid at the time the Master Plan Amendment is submitted for review.

AN ORDINANCE

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CHANGING REFERENCES TO CERTAIN DEPARTMENT DIRECTOR POSITIONS TO REFLECT DEPARTMENT REORGANIZATION AND ESTABLISHMENT OF A "ONE STOP SHOP" FOR DEVELOPMENT SERVICES.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

WHEREAS, it was anticipated that a reorganization of City Departments would be necessary to implement a "One Stop" center for development services provided by the City and such reorganization has occurred; and

WHEREAS, the Unified Development Code Technical Advisory Committee has recommended approval of these amendments to the UDC; and

WHEREAS, the Zoning Commission has recommended approval of those amendments pertaining to zoning issues; and

WHEREAS, the Planning Commission has recommended approval of those amendments pertaining to planning issues; **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 to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services provided by the City by changing the term Planning Director or Director of Planning to Director of Development Services throughout the Chapter, provided however, the term shall not be changed as provided in Section 2 below.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services provided by the City as follows:

Chapter 35, Article I, Section 35-111(b) is amended as follows:

35-111 *Annual Updates for Amendments*

- (b) The Director of Development Services shall not receive them requests for amendments after July 1st. The Director of Development Services shall refer the proposed amendments to

various City departments, land development service committee, the planning commission, the zoning commission and the City Council. The Director of Development Services may conduct workshops

Chapter 35, Article III, Section 35-335(c)(3)D and 35-335(f)(1) and (2) are amended as follows:

35-335 Neighborhood Conservation District (NCD)

(c) Zoning Authority

(3) Zoning Designation.

D. Upon designation of an area as a Neighborhood Conservation District, the City Council shall cause notice of such designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and the House Numbering section of the City of San Antonio's Department of Development Services.

(f) Neighborhood Ordinance Administration

- (1) No building permit shall be issued by the Department of Development Services for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Compliance by the Director of Development Services.
- (2) The Director of Development Services shall forward a copy of a building permit application to the Director of Planning for review and comment.

Chapter 35, Article III, Section 35-337(b)(3) is amended as follows:

35-337 Viewshed Protection Districts

(b) Zoning process and classification

The Departments of Planning, Public Works, and Development Services shall undertake land use and other background studies necessary to designate the viewshed protection district. All property owners within the proposed district and adjacent areas shall be afforded the opportunity to comment on the ordinance regulations.

Chapter 35, Article III, Section 35-344(f)(4) is amended as follows:

35-344 Planned Unit Development District ("PUD")

(f) Infrastructure Requirements

(4) Garbage collection.

If in the opinion of the Director of Environmental Services ~~director of pw~~, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the Director of Environmental Services ~~director of~~. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the director of finance.

Chapter 35, Article III, Section 35-345(l) is amended as follows:

35-345 Master Planned Community Districts ("MPCD")

(l) Business Park Uses Performance Standards

Upon application for a certificate of occupancy for any use in a business park district, the Director of Development Services ~~director of~~ may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of planning shall provide verification of the proposed use(s) upon request from the Director of Development Services ~~director of~~.

Chapter 35, Article III, Section 35-373(e)(3) is amended as follows:

35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, and Zero-Lot Line Dwellings, Cottages, and Housing for Older Persons)

(e) Housing Facilities for Older Persons

- (3) Prior to issuance of an Application for Development Approval authorizing construction or establishment of an FOP, the Applicant shall provide to the Director of Development Services ~~Building Inspections~~:

Chapter 35, Article III, Section 35-374(j) is amended as follows:

35-374 Bed and breakfast

(j) Regulations pertaining to bed and breakfast establishments within the Residential Zoning Districts

Bed and breakfast establishments within Residential Zoning Districts shall be managed and occupied by the owner of the property. Permission shall be granted by the Director of Development Services ~~director of~~ for an on-site manager to be employed by the owner for a time not to exceed one hundred twenty days (120) of a calendar year. If circumstances require the absence of the owner for a period exceeding one hundred twenty (120) days, the Director of Development Services ~~director of~~ may grant an extension for good cause.

Chapter 35, Article III, Section 35-379(c) is amended as follows:

35-379 *Head shops*

(c) *Registration and Amortization of Nonconforming Uses*

Any properties devoted to such use which are so located due to zoning, rezoning, or annexation may be registered as nonconforming uses at the Development Services Department ~~department~~ within sixty (60) days

Chapter 35, Article III, Section 35-382(a) is amended as follows:

35-382 *Miniwarehouses*

(a) A plan of development shall be submitted to the Director of Development Services ~~director of building inspections~~ indicating the location of buildings, lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.

Chapter 35, Article III, Section 35-387(b)(16) is amended as follows:

35-387 *Parking Lots (Noncommercial)*

(b) *General Requirements*

(16) Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The Director of Development Services ~~director of building inspections~~ shall notify the owner/lessee of these previously authorized lots and advise them that their Specific Use Permit must be renewed as required by subsection (a)(13) above.

Chapter 35, Article III, Section 35-388(b)(2) is amended as follows:

35-388 *Radio, television antenna, and wireless communication systems*

(b) *Radio and Television Antenna*

(2) *Building Permit*

A building permit from the Development Services Department shall be required for the installation of any roof-mounted antenna or antenna support required for the installation of any roof-mounted antenna or antenna support structure over twelve (12) feet above the peak of the roof and any ground mounted antenna or antenna support structure over twenty-five (25) feet in height. A permit shall be issued only when there is full compliance with this section and the

applicable provisions of the Uniform Building Code. Applications for a permit shall be accompanied by the following in duplicate:

* * * * *

Chapter 35, Article III, Section 35-390(c) and 35-390(e) are amended as follows:

35-390 Sanitary landfills, solid waste facilities.

(c) Buffering

A thirty (30) foot greenbelt shall be established and maintained adjacent to the fence along the site perimeter. The greenbelt shall be established prior to issuance of a certificate of occupancy and shall include, as a minimum, the following number of plants per one hundred (100) linear feet of greenbelt: Five (5) canopy trees, and fifteen (15) shrubs.

Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by section 35-3168, "Buffering techniques," and shall consist of native or naturalized low maintenance species. Once the zoning is approved by the city council, the applicant shall submit three (3) copies of a greenbelt plan, drawn to scale, to the Director of Environmental Services ~~director of parks and recreation~~ for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

* * * * *

The Director of Environmental Services ~~director of parks and recreation~~ shall approve or disapprove the plan within twenty (20) working days of submittal. If approved, a copy of the plan shall be forwarded to the Director of Development Services ~~director of parks and recreation~~ for use in issuing the certificate of occupancy.

(e) Monitoring System

A monitoring system approved by the Director of Environmental Services ~~director of environmental~~ shall be installed to detect any lateral migration of methane and other decomposition gases.

Chapter 35, Article III, Section 35-392(c)(4) is amended as follows:

35-392 Sexually oriented business regulations

(c) Method of measurement and survey requirements

(4) Surveyor.

A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with (1) and (2) of this subsection shall be

submitted to the Director of Development Services ~~director-of~~ for all sexually oriented businesses as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.

Chapter 35, Article III, Section 35-393(b) and 35-393(c) are amended as follows:

35-393 Subdivision sales offices.

(b) Definition of service area.

An official map of the addition to be served, along with the proposed office location, shall be furnished the Director of Development Services ~~director-of~~ at the time the permit for such office is requested.

(c) Occupancy permit required.

Occupancy permits shall be reviewed at six (6) month intervals by application with the Director of Development Services ~~director-of~~.

Chapter 35, Article III, Section 35-394(a)(2) and 35-394(h) are amended as follows:

35-394 Transitional homes.

(a) Method of measurement and survey requirements

A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the Director of Development Services ~~director-of~~ for all transitional homes as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void.

Chapter 35, Article III, Sections 35-395(a), 35-395(c), and 35-395(f) are amended as follows:

35-395 Temporary uses.

(a) General.

The Director of Development Services ~~director-of~~ may authorize the temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The director may require that traffic control and/or parking plans be approved by the police and public works departments as a prerequisite for approving any temporary use. A certificate of occupancy for a temporary use may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety,

convenience, and welfare. All temporary uses shall comply with the noise limitations set out in Chapter 21 of the City Code.

(c) Christmas tree sales.

This use is permitted within nonresidential zoning districts for a period not to exceed forty-five (45) days. A site plan shall be submitted to the Director of Development Services ~~director of~~ to ensure that Setbacks and clear vision area requirements are met.

(f) Oversized vehicles.

The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of fifteen (15) days in conjunction with conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the Director of Development Services ~~director of building inspections~~. If the police chief, director of public works, and director of health determine that no health, safety, or traffic hazard or other potential nuisance will be created, approval by the director shall be granted. Oversized vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

Chapter 35, Article IV, Section 35-401(c) and 35-401(d)(3) are amended as follows:

35-401 General Procedural Requirements

(c) Building Permits required

No building or structure shall be erected, added to, or structurally altered within the City Limits until a Permit therefore has been issued by the Director of Development Services ~~director of building inspections~~. All applications for building permits shall comply with the requirements of this Chapter. No such building permit, Certificate of Appropriateness, or certificate of occupancy shall be issued for any building where said construction, addition, or alteration or use thereof violates any of the provisions of this Chapter, except upon written order of the Board of Adjustment.

(d) Certificate of occupancy

(3) Records

The Director of Development Services ~~director of~~ shall maintain a record of all certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property.

Chapter 35, Article IV, Sections 35-402(b) and 35-402(c) are amended as follows:

35-402 Completeness Review

(b) Application Materials

- (2) Current application materials shall be made available in the applicable department offices ~~Department Offices~~. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this Chapter or statute. The Director may establish a schedule for filing any Application requiring action by the Planning Commission, Zoning Commission, ~~Historic and Design Review Commission~~, or the City Council, while the Director of Planning may establish a schedule for filing any Application requiring action by the Historic and Design Review Commission. ~~Such~~ which schedule shall provide adequate time for notice and/or publication consistent with the applicable state statutes and this Chapter. Completed applications shall be filed according to any published schedule of the ~~Department~~ applicable department.

(c) Review Procedures

* * * * *

(1) Jurisdiction

- A. All applications for approval of a Development Order or a Permit shall be reviewed by the applicable Director for completeness.
- B. All decisions of the applicable Director or other administrative official pertaining to completeness may be appealed to (1) the Board of Adjustment, in the case of a zoning Application (Article IV, Division 3 of this Chapter) (see § 35-481 of this Chapter), (2) the Historic and Design Review Commission, in the case of a Certificate of Appropriateness, or (3) the Planning Commission for all other Applications.

(2) Time Limits Triggered by Complete Application

Whenever this Article establishes a time period for processing of an application by the City, such time period shall not commence until the applicable Director has reviewed such application for completeness in order to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in such application. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of this Chapter.

(3) Review By Applicable Director and Appeal – Default Procedure

Not later than five (5) working days after the applicable Director has received an Application, the applicable Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the Applicant. If the written determination is not made within five (5) days after receipt of the application, the application shall be deemed complete for purposes of this Chapter. Upon receipt of any resubmittal of the application, a new 5-day period shall begin, during which period the applicable Director shall determine the completeness of the application. If the application is determined not to be complete, the applicable Director's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list

and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the applicable Director in response to the list and description.

If the Application together with the submitted materials are determined not to be complete, the Applicant may appeal that decision in writing to the Appellate Agency. The Appellate Agency shall render a final written determination on the appeal not later than the next available meeting after receipt of the applicant's written appeal. Notwithstanding a decision by the applicable Director that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 5-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

Nothing in this section precludes an Applicant and the applicable Director from mutually agreeing to an extension of any time limit provided by this section.

* * * * *

(5) *Limitation on Further Information Requests*

After the applicable Director accepts an application as complete or following a determination by the Appellate Agency that the Application is complete, the applicable Director or the reviewing agency shall not subsequently request of an applicant any new or additional information which was not specified in Appendix B. The applicable Director or the reviewing agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

The provisions of this subsection shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which the reviewing may require in order to take final action on the application. Prior to accepting an application, the applicable Director shall inform the applicant of any information included in Appendix B that which will subsequently be required from the applicant in order to complete final action on the application.

Chapter 35, Article IV, Sections 35-404(c), 35-404(e), and 35-404(g) are amended as follows:

35-404 *Public Hearings Procedures*

(c) *Records*

The Director of Development Services shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the item being considered, and shall include a summary of the considerations and the action of the Planning Commission and Zoning Commission, while the Director of Planning shall provide the same for the Historic and Design Review Commission.

(e) *Quasi-Judicial Public Hearings Procedures*

(2) *Conduct of Hearing*

* * * * *

- A. The applicable Director or appropriate staff member shall present a description of the proposed development and a written or oral recommendation.

* * * * *

- D. The applicable Director or other staff member may respond to any statement made by the applicant or any public comment;

(g) Record Of Proceedings

The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with state law. Such record shall be provided at the request of any person upon application to the applicable Director and payment of a fee set by the City Council to cover the cost of duplication of the transcribed record.

Chapter 35, Article IV, Section 35-405(a)(1) is amended as follows:

35-405 Post-Decision Proceedings (See also Division 10 of this Article)

(a) Appeal to Board of Adjustment

(1) Applicability

Any person, including any officer or agency of the City, aggrieved by a final decision relating to a development permit or administrative development approval by the applicable Director or final decision-maker may appeal such final determination to the appellate body designated by this Chapter, in the manner provided in this Section.

Chapter 35, Article IV, Sections 35-406(a) and 35-406(c) are amended as follows:

35-406 Revocation Of Permit Or Approval

(a) Initiation

The Department of Code Compliance shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the Director of Development Services ~~Director of~~ who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. Should the Director of Development Services ~~Director of~~ determine that a termination, or suspension, of a permit, is appropriate, a recommendation, ~~including including~~ the reason(s) for the ~~his~~ determination, shall be made to the Board of Adjustment who shall conduct a public hearing on the matter.

(c) Notice And Public Hearing

Notice of the hearing before the Board of Adjustment shall be provided to the permit holder at least ten (10) working days prior to the hearing. Said notice shall be in writing and delivered by personal service or certified mail to the permit holder and shall inform the permit holder of the Director of Development Service's Building Inspection Director's recommendation as well as the date and location of the hearing before the board.

Chapter 35, Article IV, Sections 35-412(d)(2) and 35-412(h)(2) are amended as follows:

35-412 Master Development Plan

(d) Decision

(2) Appeal

The Planning Commission is hereby granted jurisdiction to consider an appeal by an applicant and to affirm or to reverse, in whole or in part, the decision of the Director of Planning based on any error in an order, requirement, decision, or determination made by the Director of Planning in approving, denying, or attaching a condition to the Master Development Plan.

* * * * *

(h) Scope Of Approval

- (2) Any deviation from the approved Master Development Plan unless approved in advance and in writing by the Planning Director, shall be deemed a violation of this Chapter.

Chapter 35, Article IV, Sections 35-420(b)(1), 35-420(b)(3), 35-420(d)(2), 35-420(d)(3), 35-420(e)(3) and 35-420(g) are amended as follows:

35-420 Comprehensive, Neighborhood, Community and Perimeter Plans

(b) Initiation

(1) Generally

The planning process shall be initiated by the Director of Planning.

(3) Planning Team

The Planning Director shall appoint the members of the Planning Team. The Planning Team shall execute a Memorandum of Understanding which outlines each group's responsibilities and a Work Program which outlines timelines for plan development. The Planning Team shall include to the extent practicable a cross section of the land area to be included in the Plan, including but not limited to, residents (both renters and owners), business persons (both renters and owners), property owners of developed and unimproved properties, and institutional organizations such as school districts and churches. It is recognized that the composition of the Planning Team shall vary among the neighborhoods according to the land use and development character of each planning area.

(d) Decision

(2) Planning Commission

The Planning Commission, after public notice in accordance with VTCA Local Government Code § 219.003 shall hold at least one public hearing on such application and as a result thereof shall transmit its report to the City Council. A public hearing shall be conducted and a recommendation shall be submitted by the Planning Commission in accordance with the requirements of V.T.C.A. Local Government Code § 219.003. Following a briefing from the Director of Planning and consideration of public comments, the Planning Commission shall recommend to the City Council approval of the Plan, disapproval of the Plan, or approval with changes as necessary to comply with subsection (e) of this Section. Neighborhood Plans not acted on after two hearings before the Planning Commission shall at the discretion of the Director of Planning be forwarded to the City Council for consideration without a recommendation by the Commission.

(3) City Council

The City Council shall consider the proposed Plan at a legislative hearing (see § 35-404(d), above). Following a briefing from the Planning Director, review of the recommendations of the Planning Commission, and consideration of public comments, the City Council shall approve the Plan or disapprove the Plan. The City Council may overrule a disapproval by the Planning Commission.

(e) Approval Criteria

(3) Planning Process

The Planning Commission shall also evaluate the planning process to determine if the following criteria are met:

Meetings were open to the public;
Schedules and planning teams were approved by the Planning Director;
Appropriate departments, boards, commissions reviewed the plan; and
That proper notification was given to nonresidential property owners and the owners of undeveloped property.

(g) Monitoring and Amendments

(1) Urban Indicators and Report

Urban indicators shall be developed as each Neighborhood, Community, and Perimeter Plan is produced. Urban indicators are qualitative or quantitative measures that assess progress towards the goals identified in the Plan. A report to measure the success of plan implementation shall be prepared every two years, based on the urban indicators found in each specific plan, by a Coordinating Group appointed by the Planning Director consistent with the criteria established in subsection (b)(2), above, in order to implement the plan. The Planning Director shall distribute

the report to the City Council and City Departments. The report shall not constitute a Plan amendment, but shall be considered in updating and amending the Plan pursuant to subsection (2), below.

(2) Amendments Required

Each Plan shall be subject to continuing evaluation and review by the Planning Director and the Planning Commission. The Planning Director shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered. The Plan shall be reviewed by the planning commission at least once every five (5) years and if necessary amended by the City Council. If the review is not performed, any property owner in the planning area may file a petition with the Planning Director to amend the plan. If the Planning Director finds that the review has not been performed, he shall initiate the referenced public participation program regarding the proposed amendment and may set a schedule or deadline for the completion of the review. If the Plan is not updated pursuant to a petition filed pursuant to this subsection, then subsection (h) shall not apply until such time as the Plan is updated.

Chapter 35, Article IV, Sections 35-421(b)(3), 35-421(c), and 35-421(i) are amended as follows:

35-421 Zoning Amendments

(b) Initiation

- (3) The Planning Director pursuant to an Annexation Service Plan or the Director of Development Services to correct an administrative error in the rezoning of a tract of land pursuant to this Chapter.

(c) Completeness Review

The Director of Development Services shall conduct a completeness review as set forth in § 35-402 of this Chapter within two (2) working days of application submittal.

Chapter 35, Article IV, Section 35-422(c) is amended as follows:

35-422 Conditional Zoning

(c) Completeness Review

The Director of Development Services shall conduct a completeness review as set forth in § 35-402 of this Chapter.

Chapter 35, Article IV, Section 35-424(a)(2), 35-424(a)(3), 35-424(a)(4), 35-424(a)(9), 35-424(b), 35-424(c)(2), 35-424(c)(3), 35-424(c)(4), 35-424(d)(1), 35-424(d)(3), 35-424(f)(4), 35-424(g)(1), 35-424(g)(8), and 35-424(g)(9) are amended as follows:

35-424 Ministerial Permits or Approvals

(a) Generally (Building Permits)

(2) Initiation

The Applicant shall file a complete application for a Building Permit with the Director of Development Services on a form prescribed by the Department of Development Services. If Master Development Plan review is required in accordance with § 35-412 or 35-413 of this Chapter, the approved Master Development Plan shall be submitted with the application for a building permit. An application for a Master Development Plan is available from the Planning Department. If the proposed development or development activity is not subject to Master Development Plan review, the Building Permit application shall include the information required by Appendix B to this Chapter. The Director of Development Services shall assist the applicant in determining which materials are required for a submittal. Building permit applications are required and available from the Department of Development Services.

(3) Completeness Review

The Director of Development Services shall review an application for completeness within two (2) working days. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Board of Adjustment.

(4) Decision

When the required materials are submitted to each respective department, the Development Services Department shall review its application for conformance with applicable building codes. The Planning Department shall review its application for conformance with this Chapter. Within five (5) working days of receipt of a complete application, the Development Services Director shall approve, approve with conditions, or deny the application for a building permit for purposes of this Ordinance.⁵ Applications ~~that~~ which are denied shall have the reasons for denial, in writing, attached to the application. If the Development Services Director fails to render a decision relating to the building permit application within this time period, the Application shall be deemed approved. Such time periods shall not prevent the applicant and the City from agreeing to extend the City's response time contained in this subsection.

(9) Recording Procedures

An application for a building permit shall be maintained in the files of the Development Services Department of provided, however, that the applicant shall have the responsibility to maintain an original signed copy of the approved building permit.

(b) Certificate of Occupancy

⁵ Note: this subsection does not apply to review of the building permit application for purposes of compliance with the Building Code in which case the Development Services Building Inspections Department shall respond within 35 days.

Certificate of Occupancy shall be issued in accordance with Chapter 6 of the City Code and the Uniform Building Code. No certificate of occupancy shall be issued if said development activities do not conform to the applicable zoning district or the approved Master Development Plan, Subdivision Plat, or other previously issued Permit or Development Order. The Director of Development Services may issue a temporary certificate of occupancy pursuant to the Building Code. A Certificate of Occupancy shall not be required for a Single-Family Dwelling Unit, a child-care facility that ~~which~~ does not require a state license, or a home occupation.

(c) Certificate of Occupancy for Sexually-Oriented Business (See Sexually Oriented Business Regulations)

(2) Initiation

The Applicant shall file a complete application for a Certificate of Occupancy with the Director of Development Services .

(3) Completeness Review

See subsection (a)(3) of this Section. The Board of Adjustment shall render its decision affirming or denying the application of the Director of Development Services within ten (10) days. If the Board of Adjustment fails to render its decision, the Application shall be deemed complete and the Director of Development Services shall process the application as provided in subsection (4), below.

(4) Decision

The Director of Development Services ~~director of~~ shall either issue or deny an application for a certificate of occupancy or a building permit for a sexually oriented business not more than thirty (30) business days subsequent to the date of the applicant's submission of an application therefor. If granted, the applicant shall be notified of such action by certified mail, return receipt requested. If denied, the applicant shall be notified of such action and the reason(s) therefore by certified mail, return receipt requested. The issuance of a certificate of occupancy shall not be withheld if the sexually oriented business is determined to be in compliance with all applicable sections of this Chapter. The decision may be appealed pursuant to § 35-488 of this Article.

(d) Building Permit for Wireless Communications

(1) Applicability

No Wireless Communications System shall be commenced or established unless and until a Building Permit has been issued by the Director of Development Services .

(3) Completeness Review

See subsection (a)(3) of this Section. The Board of Adjustment shall render its decision affirming or denying the application of the Director of Development Services within thirty (30) days.

(f) Downtown Retail

(4) Decision

The Director of Development Services shall approve, approve with conditions, or deny the application for a building permit within thirty-five (35) days after it is certified to be complete.

(g) Manufactured home park plan

(1) Applicability

The Director of Development Services ~~director of~~ shall not issue building or repair permits or certificates of occupancy for structures in manufactured home parks within the incorporated areas of the City until a plan has been approved in the manner prescribed by this division and duly filed in the office of the Director of Development Services ~~director of~~.

(8) Recording Procedures

If the manufactured home park plan is approved, the director of planning shall retain one copy on file in the planning department and distribute one copy to the Director of Development Services ~~director of~~ and other departments/agencies as appropriate.

(9) Permit for temporary use at construction sites

Authorization may be issued by the Director of Development Services ~~director of~~ to permit an individual an individual manufactured home to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.

A certificate of occupancy related to construction shall not be issued by the Director of Development Services ~~director of~~ until the manufactured home has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the manufactured home has been removed from the lot in question.

A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or twelve (12) months after issuance of the building permit, whichever time is shorter.

In any case in which construction is not completed within the twelve-month period, the Director of Development Services ~~director of~~, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six-month period.

Chapter 35, Article IV, Section 35-430(d) is amended as follows:

35-430 Applicability & General Rules

(d) Certificate of Determination [Reference: VTCA Local Gov't Code § 212.0115]

On the written request of an owner of land, an entity that provides utility service, or the City Council, the Director of Development Services shall make the following determinations regarding the owner's land or the land in which the entity or City Council is interested that is located within the jurisdiction of the City:

whether a plat is required under this Division for the land; and

if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Director of Development Services.

The request made under this Subsection must identify the land that is the subject of the request. If the Director of Development Services determines under this Subsection that a plat is not required, the Director of Development Services shall issue to the requesting party a written certification of that determination. If the Director of Development Services determines that a plat is required and that the plat has been prepared and has been reviewed and approved, the Director shall issue to the requesting party a written certification of that determination. The ~~Planning~~ Director of Development Services shall make a determination within 20 days after the date the request is received under this Subsection and shall issue the certificate, if appropriate, within 10 days after the date the determination is made. For purposes of this subsection, the term Director shall mean the Director of Development Services in the case of an application for a building permit, or the utility provider in the case of an application for utility service. The City Council hereby delegates the ability to perform the responsibilities under this subsection to the Authority. A binding decision of the Authority under this subsection is appealable to the Planning Commission.

Chapter 35, Article IV, Sections 35-431(b)(2) and 35-431(b)(3) are amended as follows:

35-431 Letters of Certification

(b) Initiation

(2) Referral

In addition to the Certifying Departments, copies of the requests for plat review along with required information shall be distributed to the city tax office, Southwestern Bell Telephone, Cable Television, Aviation Department, Development Services ~~Building Inspections~~ Department, Historic Preservation Officer, San Antonio River Authority, San Antonio Development Agency, Bexar Metropolitan Water District, and Bexar County Public Works Department. A letter of certification is not required from these departments.

(3) Copies to Director of Development Services

A copy of each request for a Letter of Certification shall be filed with the Director of Development Services. The request for a Letter of Certification shall be in the form prescribed in Appendix B. In order to track the application, the Director of Development Services may assign a tentative tracking number for the Letter of Certification in the event that an Application for subdivision plat approval is filed.

Chapter 35, Article IV, Section 35-432(i)(2) is amended as follows:

35-432 Procedures for Subdivision Plat Approval

(i) Recording Procedures

(2) Recordation.

The Director of Development Services shall file for record an approved plat in the deed and plat records of the county within which the plat is located, provided the property owner consents in writing and the plat meets one of the following conditions:

No site improvements are required.

All required site improvements have been completed and accepted by the Director of Development Services ~~director of public works~~.

A performance agreement and a guarantee of performance as described in § 35-436 have has been filed with the city clerk.

All required impact fees have been paid.

Chapter 35, Article IV, Section 35-435(b)(1) is amended as follows:

35-435 Subdivision Plat Variances

(b) Administrative Exceptions

(1) Applicability

The Director of Development Services may grant an administrative exception from the requirements of Article 5 of this Code as provided in 35-501.

Chapter 35, Article IV, Sections 35-436(a), 35-436(b), and 35-436(c), are amended as follows:

35-436 Performance Agreement

Guarantee of performance

As is provided for in § 35-432(i), an approved plat may be filed for record before the required site improvements are completed if one of the following guarantees of performance is filed with

the city clerk within three (3) years after the plat has been approved by the planning commission: a performance bond, a trust agreement, a letter of credit, or a cash or cashier's check.

(1) Performance bond

A performance bond shall be executed by a surety company license to do business in the state in an amount equal to the cost estimate, as approved by the Director of Development Services, of all uncompleted and unaccepted improvements required by these regulations (other than gas and electric lines), with the condition that the subdivider shall complete such improvements and have them accepted by the Director of Development Services within three (3) years from the date of plat approval. A performance bond shall be substantially in the same form as the Form H set out in Exhibit B, § 35-B120(f). The Director of Development Services is authorized to sign the bond instrument on behalf of the city and the city attorney shall approve the same as to form.

(2) Trust agreement.

The subdivider shall cause to be placed in a trust account on deposit in a bank or trust company or with a qualified escrow agent selected by the subdivider and approved by the Director of Development Services ~~director of public works~~ a sum of money equal to the cost estimate, as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The trust account shall be established by agreement which shall be substantially in the same form as Form J set out in Exhibit B, § 35-B120(f). The Director of Development Services ~~director of public works~~ is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(3) Letter of credit.

The subdivider shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the director of public works, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The letter of credit, properly executed, shall be substantially in the same form as Form K set out in Exhibit B, § 35-B120(f). The Director of Development Services ~~director of public works~~ is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(4) Cash or cashier's check.

The subdivider shall provide to the city cash or a cashier's check in an amount equal to the cost estimate as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the director of public works, the amount will be refunded to the subdivider by the city.

(b) Substituting Guarantees

When a subdivider has given security in any of the forms hereinabove provided, and when fifty (50) percent of the required site improvements has been completed and has been accepted by the Director of Development Services ~~director of public works~~, or whenever any segment or

segments of the required site improvements have been completed and have been accepted by the Director of Development Services ~~director of public works~~, the subdivider may substitute for the original guarantee, a new guarantee in an amount equal to the cost of the remaining site improvements. The cost estimate shall be approved by the Director of Development Services ~~director of public works~~. Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed in subsection (a). However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the subdivider as specified in the performance agreement.

(c) Supplementary guarantees

Supplementary guarantees may be required as follows:

(1) Renewal

One (1) year from the date of plat recordation, and annually thereafter until the expiration of the three (3) year period from the date of plat approval, the Director of Development Services ~~director of public works~~ shall review the estimated cost of completing such site improvements as are not then completed and determine the adequacy of the existing performance guarantee. Should the Director of Development Services ~~director~~ determine that the sum set out in the performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require a substitute guarantee to cover the newly estimated cost or a supplemental guarantee to cover the additional sum needed for completion.

(2) Performance Guarantee

If a subdivider submits an original performance guarantee after a period of two (2) years has elapsed from the date on which a plat was approved by the planning commission, the actual cost estimate of completing the uncompleted site improvements shall be increased by an amount, based upon a locally recognized construction cost index as approved by the Director of Development Services ~~director of public works~~, required to cover an estimated inflationary increase in the cost during the duration of the period covered by the performance guarantee.

(3) Failure to Provide Guarantee

Should the subdivider fail to provide the necessary additional of substitute guarantee within thirty (30) days of a request for same by the Director of Development Services ~~director of public works~~, the Director of Development Services ~~director of public works~~ shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision subsequently filed with the planning commission in which such subdivider has a principal or subsidiary interest.

Chapter 35, Article IV, Section 35-450(a) is amended as follows:

35-450 General Rules

(a) Area of jurisdiction

A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the Development Services Department ~~department of building inspections~~ before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, a State Archaeological Landmark, a Recorded Texas Historical Landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, property within the River Walk area, public property, public rights-of-way, or public art.

Chapter 35, Article IV, Sections 35-451(c) and 35-451(c) as follows:

35-451 Certificate of Appropriateness

(c) Completeness Review.

The Planning Director shall review an application for a certificate of appropriateness in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

(d) Decision.

(1) Commission Review

The commission shall make its written recommendations within sixty (60) days after the historic preservation officer's receipt of the completed application, which shall include all required materials and documents, from the applicant. If the commission does not make its recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and a certificate showing the filing date and the failure to take action on the application within sixty (60) days shall be issued by the director of planning upon consultation with the historic preservation officer on the applicant's demand. The sixty-day time period may be extended with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. Such extension shall suspend the running of the sixty-day period within which the commission is required to make its recommendation.

(2) Planning Director Review

Upon receipt of the recommendation by the commission, the director of planning shall implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that his application has been approved, conditionally approved, or disapproved. He shall also submit a copy of his decision to the commission for its information, to the department of building inspections for issuance of permits, and to other departments, as applicable. The director of planning shall base his decision on the same criteria considered by the commission in his determination as to issuance or denial of any certificate.

(3) Appeal

An applicant for a certificate may appeal the decision of the director of planning to the board of adjustment within thirty (30) days after receipt of notification of the director's action. The applicant shall be advised by the city clerk of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission, the report of the commission, and any other matters presented at the hearing on the appeal. If the board of adjustment approves the application, it shall direct the director of planning to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the director of planning not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the director of planning shall immediately advise the applicant and the commission in writing.

Chapter 35, Article IV, Sections 35-452(c) and 35-452(d) as follows:

35-452 Certificate of Appropriateness for Ordinary Repair and Maintenance

(c) Completeness Review.

The Planning Director shall review an application for a certificate of appropriateness in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

(d) Decision.

Applications for ordinary repair and maintenance may be approved by the director of planning upon recommendation from the historic preservation officer. The decision may be appealed in the same manner as set forth in § 35-481.

Chapter 35, Article IV, Section 35-453(c) as follows:

35-453 Permits affecting property recommended by the Historic Design and Review Commission for historic designation

(c) Completeness Review.

The Planning Director shall review the application for review in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

Chapter 35, Article IV, Section 35-455(c) as follows:

35-455 Demolition Permit Applications

(c) Completeness Review.

The Planning Director shall review the demolition permit application for completeness in accordance with § 35-451(c) of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

Chapter 35, Article IV, Section 35-473(i) is amended as follows:

35-473 Aquifer Protection Plan

(i) Recording Procedures

A copy of the Aquifer Protection Plan shall be provided to the Director of Development Services

Chapter 35, Article IV, Section 35-475(h) is amended as follows:

35-475 Site Plan in Military Airport Overlay District

(h) Scope Of Approval.

One copy of the approved plan shall be submitted to the Director of Development Services ~~director of~~ for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary by other departments and agencies.

The construction of the proposed development shall be started within twelve (12) months of the effective date of approval of the site ~~plan by plan~~ by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer, extend the time one additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within two (2) years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the site plan, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.

Chapter 35, Article IV, Section 35-477(d) is amended as follows:

35-477 Tree Preservation Permits

(d) Decision

(3) Waiver for Sidewalks

As provided by the Transportation Standards (sidewalks), the Director of Development Services may grant a waiver to the requirements in this section.

If an application is denied because it fails to meet the requirements of this Section, the city arborist will notify the applicant of such action and provide a written statement of the rationale for the denial.

Chapter 35, Article IV, Sections 35-481(b)(1), 35-481(b)(2), and 35-481(c) are amended as follows:

Appeals to Board of Adjustment

Initiation

(1) Application

Such appeal shall be taken by filing with the Director of Development Services ~~director of~~ and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken and the payment of the fee specified in Appendix C. Upon receipt of a notice of appeal, the Director of Development Services ~~director of building inspections~~ shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

(2) Automatic Stay

An appeal from an order of the Director of Development Services ~~director of building inspections~~ to the board of adjustment shall stay all proceedings unless the Director of Development Services ~~director of building inspections~~ certifies that, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction.

(c) Completeness Review.

The Director of Development Services shall review the notice of appeal for completeness within two working days. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Board of Adjustment.

Chapter 35, Article IV, Sections 35-482(c) and 35-482(f) are amended as follows: Page 4-106

35-482 Zoning variances.

(c) Completeness Review

The Director of Development Services shall review a zoning variance application for completeness within two working days. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Board of Adjustment.

(f) Subsequent Applications.

The following time limitations shall be imposed so that no application for a variance shall be received or filed with the board of adjustment:

If within the previous twelve (12) months an application for a variance or exception was received, considered and denied on the same lot, lots or blocks of land.

If within the previous six-month period an application for a variance or exception was withdrawn from consideration by the applicant or his representative before the board of adjustment.

The aforementioned time limitations may be waived if new substantial evidence is presented to the board of adjustment and only after receiving nine (9) affirmative votes shall the time limitation be waived. If granted, a new application shall be filed in the office of the Director of Development Services ~~director of building inspections~~ following the procedures outlined in § 35-403, "Notice Provisions."

Chapter 35, Article IV, Section 35-484(f) is amended as follows:

35-484 Development Plat Variances

(f) Subsequent Applications.

The following time limitations shall be imposed so that no application for a variance shall be received or filed with the Planning Commission:

If within the previous twelve (12) months an application for a variance or exception was received, considered and denied on the same lot, lots or blocks of land.

If within the previous six-month period an application for a variance or exception was withdrawn from consideration by the applicant or his representative before the Planning Commission.

The aforementioned time limitations may be waived if new substantial evidence is presented to the Planning Commission and only after receiving nine (9) affirmative votes shall the time limitation be waived. If granted, a new application shall be filed in the office of the Director of Development Services ~~director of building inspections~~ following the procedures outlined in § 35-403, "Notice Provisions."

Chapter 35, Article IV, Sections 35-488(a) is amended as follows:

Appeal Procedures for Sexually Oriented Businesses

(a) Appeal to City Board

An applicant may appeal the denial of a certificate of occupancy for a sexually oriented business by the director of building inspections, if the reason for the denial is other than one based upon location of the business. Such appeals shall be made to the appropriate board or commission (i.e. plumbing board, electrical board, etc.) and in the manner prescribed in the applicable section of this Chapter. In the event that this Chapter does not provide a specific avenue for appeal an applicant may appeal to the zoning board of adjustment by letter mailed or delivered to said board, and the secretary of the board shall schedule the appeal for hearing and decision at the next available regularly scheduled zoning board of adjustment meeting which will allow compliance with the Texas Open Meetings Act. The board, after a hearing at which all interested parties shall be afforded an opportunity to be heard, shall either affirm or overrule the decision of the Director of Development Services ~~director of building inspections~~. Provided, however, the request for appeal must be made not more than ten (10) business days subsequent to the receipt of the decision of the Director of Development Services ~~director of building inspections~~ by the applicant.

Chapter 35, Article IV, Sections 35-492(b) and 35-492(c) are amended as follows:

35-492 Violation of Conditions

(b) Revocation of Permit

The Director of ~~Development Services~~ is authorized to issue any administrative order necessary to terminate or suspend a use found, as a result of the administrative process noted in § 35-407, to be in violation of a condition.

(c) Civil Action

The Director of Development Services may request the city attorney to institute a civil action as prescribed in § 35-491(a) of this Chapter regardless of whether a criminal or administrative action is taken against the permit holder.

Chapter 35, Article IV, Sections 35-494(d)(2) and 35-494(d)(3) are amended as follows:

Enforcement of Subdivision Regulations

(d) Completion of Improvements

(2) Remedy

If the construction of site improvements has been guaranteed by a form of security described in § 35-438 and such improvements have not been completed and accepted by the city within the time period prescribed by these regulations, the Director of Development Services ~~director of public works~~, after written notification has been given to the subdivider, shall take such action as may be required to cause payment to be made to the city of the amounts of money secured by a guarantee of performance. Such amounts of money shall be used by the Director of Development Services ~~director of public works~~ to finance the completion of the required

improvements. In the event that the amounts of money referred to above are insufficient to finance the completion of the required improvements, the Director of Development Services ~~director of public works~~ shall so notify the subdivider in writing and shall require the subdivider either to complete the improvements without delay or to make available to the city the amount of money required to finance their completion. Should the subdivider fail to do either of the above and such failure is not due to strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond the subdivider's control, the Director of Development Services ~~director of public works~~ shall refer the matter to the city attorney for such action as the city attorney may deem appropriate to compel the subdivider to comply with the provisions of the performance agreement entered into by the subdivider as a condition precedent to the approval of the plat by the planning commission, or to pursue any other remedy which may be available to the city. Further, until such time as the required site improvements have been completed and accepted by the city, the Director of Development Services ~~director of public works~~ shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision, subsequently filed with the planning commission, in which such subdivider has a principal or subsidiary interest. Such a plat, once it has been approved by the planning commission, may be recorded only in the manner prescribed in section 35-432(i)(1).

(3) Exemptions

The provisions of this section shall not apply if a subdivider is prevented from completing and having accepted such required site improvements within the prescribed time by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other cause similar to those enumerated beyond the subdivider's reasonable control. The subdivider shall be entitled to an extension of time equal to the time of such delay ~~that which~~ shall be fixed by written certificate made by the Director of Development Services ~~director of public works~~. It is expressly declared that no such allowance of time will be made unless claimed by the subdivider and allowed and certified in writing by the Director of Development Services ~~director of public works~~ at the end of each period of such delay.

Chapter 35, Article V, Sections 35-501(b)(1), 35-501(b)(2), and 35-501(c) are amended as follows:

General Provisions

(b) Administrative Exceptions

To facilitate flexibility in design while maintaining the safety, health and welfare of the public, the Director of Development Services in consultation with the Director of Public Works may grant administrative exceptions to the following technical design requirements found in the following sections of Article V:

* * * * *

(2) No administrative exception shall be granted unless:

The Director of Planning certifies that the proposed exception does not conflict with the goals and policies of the Master Plan; and

The Applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety.

(c) Site improvements.

Streets, alleys, sidewalks and other site improvements required under the provisions of this chapter to be installed in subdivisions by the subdivider shall conform to the specification of this chapter and to the then current policies and regulations of the City of San Antonio ~~directors of public works~~, City Public Service, San Antonio Water System, or other approved utility districts or agencies involved with reference to payment for such installations, refunds, credits and other financial arrangements.

Chapter 35, Article V, Section 35-503(g)(4) is amended as follows:

35-503 Parks/Open Space Standards

(g) Development Phasing

- (4) The city shall authorize the developer to reserve park land for dedication in subsequent phases of the subdivision by executing an enforceable contract with the City. The contract shall be approved by the City Attorney and the city Director of Parks and Recreation. In addition, the developer shall dedicate a reversionary public access easement on the final plat of the proposed development where necessary to provide effective public access, maintenance and use of any parkland to be dedicated.

Chapter 35, Article V, Section 35-504(j)(2) is amended as follows:

35-504 Storm Water Management

(j) Inlets and Openings

(2) Curb or Drop Inlets.

Where drop inlets are used, the city standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the Director of Development Services ~~in consultation with the Director of Public Works~~. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on Street grades, deflections, cross slopes, depressions, etc.

Chapter 35, Article V, Section 35-506(c)(1), Table 506-4 and Table 506-4A are amended as follows: **Page 5-72**

35-506 Transportation Street Design

(c) Classification

(1) Conventional Classification System

Classification of an existing or proposed Street not already identified on the Major Thoroughfare Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Director of Development Services Public Works. Pursuant to the Major Thoroughfare Plan, the following classification system is hereby adopted:

* * * * *

Chapter 35, Article V, Sections 35-506(d)(1), Tables 506-3 and 506-4, 35-506(d)(3), 35-506(d)(6), and 35-506(d)(10) are amended as follows:

(d) Cross-Section and Construction Standards

(1) Interior Streets

Table 506-3

Notes and Rules of Interpretation:
Table 506-3 is required for conventional option subdivisions (see § 35-202) or subdivisions not subject to Table 506-4, below), except for « Access to Conservation Subdivision » which applies to Conservation Subdivisions (§ 35-203).
¹ For Secondary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 86' at the intersections as determined by the Director of Development Services.
² For Primary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 120' at the intersections as determined by the Director of Development Services.
³ See Figure 506-2.
⁴ 0.4% Optional with concrete curb and gutter.
⁵ Bike path and sidewalks can be combined. See section 35-506(d)(4).
⁶ When designated on a master plan as approved by City Council.
⁷ Entry portion without parking.
⁸ Right-of-Way and pavement width widths requirements for established neighborhoods can be waived by the Director of Development Services as required on Capital Improvement Projects.

Table 506-4

Notes and Rules of Interpretation:
Table 506-4 applies only to the following development options: Commercial Center (§ 35-204), Commercial Retrofit (§ 35-206), Traditional Neighborhood Development (§ 35-207), and Transit-Oriented Development (§ 35-208), except as provided in footnote 5, below.
¹ See Table 506-4 below. The smaller street width with on-street parking prohibited, or the larger street width coupled with on-street parking on one or both sides of the street, may be provided if the adjoining buildings are provided with (1) an NFPA 13D fire sprinkler system for in the case of Single-Family Dwelling Units, One Family Attached Dwelling Units, Two-Family (Duplex) Dwelling Units, Two-Family Attached Dwelling Units; (2) an NFPA 13R fire sprinkler system for Multi-Family buildings; or (3) an NFPA 13 fire sprinkler system for Commercial Building.
² Lesser radius can be approved by the Director of Development Services.
³ Bike path and sidewalks can be combined. See section 35-506(d)(4).
⁴ Optional 0.4% with curb and gutter.
⁵ Any provision in Table 506-3 (entitled "conventional street design standards") notwithstanding, interior streets in a subdivision that would otherwise be required to comply with the provisions of Table 506-3 may instead comply with the provisions of Table 506-4 (entitled "traditional street design standards"), regarding pavement width requirements only, provided that the connectivity ratio (see subsection (e), below and § 35-207(g) of this Chapter) shall comply with the requirements for a Traditional Neighborhood Development. The proposed development shall comply with footnote 1 hereto. Pursuant hereto, street types in such subdivisions shall comply with Table 506-4 as follows: An Alley shall be required to meet the street width standards for an Alley as provided in Table 506-4; a Conservation Access street shall be required to meet the street width standards for a Lane; a Local Type A street shall be required to meet the street width standards for a Street; a Local

Type B street shall be required to meet the street width standards for an Avenue; a Collector street shall be required to meet the street width standards for a Main Street; a Secondary Arterial shall be required to meet the street width standards for a Boulevard; and Primary Arterial shall be required to meet the street width standards for a Parkway.

(3) Grade

Street and alley grades shall conform to the terrain and shall not exceed the values prescribed in Tables 506-3 and 506-4, above. No Street or alley grade shall be less than five-tenths of one percent (0.005) or four-tenth of one percent (0.004) if curb and gutter is provided, unless otherwise specified by the Director of Development Services ~~Public Works~~. The minimum cross-slope of a road shall be 2% and the maximum shall be 4%.

(6) Cul-de-sac Streets

In the C, RE, and R-20, zoning districts Cul-de-sac Streets over one thousand (1000) feet in length may be permitted subject to approval by the Director of Development Services ~~Public Works~~ after consultation with the Fire Chief or his designee. No such approval shall be granted unless the Director of Development Services ~~Public Works~~ finds the following:

* * * * *

(10) Curbs and Pavement

Curbs shall be required on both sides of all interior Streets. Curbs and pavement are required on the development side of all adjacent Streets except:

When the Director of Development Services ~~Public Works~~ determines that the curbs will interfere with or disrupt drainage.

When the Director of Development Services ~~Public Works~~ determines that public construction ~~that which~~ would require curb ~~curbs~~ replacement will take place on the Street within three (3) years.

On local type A Streets in single-family or two-family residential subdivisions within the RP and RE zoning districts.

On Streets in residential subdivisions where no adjacent lots are platted if approved by the Director of Development Services ~~Public Works~~, such as Streets adjacent to walls or drainage ways.

Where the Director of Development Services ~~Public Works~~ determines that preservation of trees warrants the elimination, reduction in width, or modification to the curb requirements in accordance with the Tree Preservation Standards.

Chapter 35, Article V, Sections 35-506(i)(2) and 35-506(i)(3) are amended as follows:

(i) Street Lights

In subdivisions within the RP or RE zoning districts, or in the ETJ and proposing densities which do not exceed one (1) dwelling unit per acre, the Director of Development Services ~~Public Works~~ may waive the requirement for street lights for public street intersections or midblock areas where he finds that the area does not require such lighting for safe pedestrian or vehicular traffic.