

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

TO: Mayor and City Council

AGENDA ITEM NO. 37

FROM: Florencio Peña, III Director, Development Services

THROUGH: Terry M. Brechtel, City Manager

COPY: Christopher J. Brady, Assistant City Manager, Roderick Sanchez, AICP, Assistant Director Development Services Department; Jim Campbell, Director, External Relations Department; File

SUBJECT: Consideration of Proposed Amendments to Chapter 35

DATE: September 23, 2004

SUMMARY AND RECOMMENDATIONS

The 77th Texas Legislature approved HB 1445, which required that Cities and Counties provide a unified set of regulations and procedures for approving plats in Cities Extraterritorial Jurisdictions (ETJ). On December 18, 2002, and May 22, 2003, the County Commissioners Court and the City Council respectively approved an Inter-Local agreement, which complied with HB 1445. The agreement, as approved, is contingent on establishing a unified set of platting standards and procedures for treatment and approval of plats in the ETJ. This ordinance will amend the UDC as agreed to by City and County staff. Bexar County Commissioners Court is scheduled to adopt those portions of the UDC, pertaining to HB 1445, as amended in October.

Staff recommends approval.

BACKGROUND INFORMATION

The 77th Texas Legislature approved House Bill 1445 which requires Cities and Counties to provide one set of standards and one set of procedures for approving plats in the ETJ's. HB 1445 provides four options for its implementation:

1. Counties can relinquish platting authority to the City;
2. The City can relinquish platting authority to the County;
3. The ETJ can be divided into two portions with the City responsible for platting in one portion and the County responsible for the other;
4. The City and the County can jointly review plats providing one place to file plats and one set of review standards.

The City and County agree to pursue option #4. The agreement provides for the City to intake plat applications and for the Unified Development Code (UDC) to be the basis for platting standards. County representatives reviewed the UDC and identified standards that were not acceptable to the County. City and County representatives agreed to modify the UDC so that it would be acceptable to both the City and County. The City Council approved this agreement on May 22, 2003, and Bexar County Commissioners Court approved the agreement on December 18, 2002. Following the adoption of the inter-local agreement, City and County representatives negotiated the specific amendments to the UDC, which are contained in this ordinance.

On July 14, 2004, Land Development Services recommended approval of these amendments. On July 28, 2004, the Planning Commission approved a resolution recommending to the City Council the proposed amendments to the UDC. Bexar County Commissioners Court is scheduled to adopt the portions of the UDC pertaining to this agreement in October.

POLICY ANALYSIS

This ordinance will amend the UDC in accordance with the inter-local agreement between the City of San Antonio and Bexar County. In general, proposed amendments establish Bexar County as a certifying agency in the plat review process, provides procedures for plats with and without variances, adds the County local street section for densities lower than 2 units per acre, establishes a plat exception for ten (10) acre tracts, adds a sidewalk exception for county designed local streets, adds the County as a party to performance agreement, site improvement guarantees, and coordination of site improvement inspections. Plat variances will require approval from the Planning Commission and Bexar County Commissioners Court. Bexar County Commissioners Court is scheduled to adopt those provisions of the UDC pertaining to this agreement in October, which will bring the City and County into compliance with HB 1445.

FISCAL IMPACT

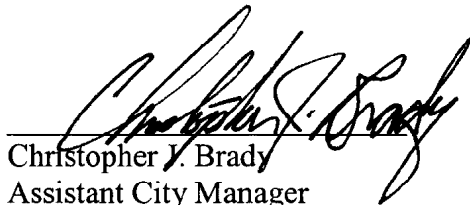
This ordinance has no financial impact.

COORDINATION

This ordinance was coordinated with the Intergovernmental Relations Department, City Attorney's Office, the Planning Commission and Bexar County Commissioners.



Florencio Peña, Director
Development Services Department



Christopher J. Brady
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

AN ORDINANCE

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CHANGING CERTAIN SECTIONS TO CONFORM TO THE CITY AND COUNTY INTERLOCAL AGREEMENT REGARDING PLATTING IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO.

* * * * *

WHEREAS, both the **CITY** and **COUNTY** operate systems designed to approve subdivision plats as authorized under applicable state laws; and

WHEREAS, the Texas Legislature amended Chapter 242 of the Texas Local Government Code to require that the **CITY** and **COUNTY** enter into a written agreement pertaining to regulation of subdivision plats in the Extraterritorial Jurisdiction ("ETJ") of the **CITY**; and

WHEREAS, the governing bodies of the **CITY** and **COUNTY** believe it is in the best interest of both entities and the citizens of San Antonio and Bexar County to combine their respective procedures into one seamless operation with each retaining certain responsibilities in accordance with the Interlocal Agreement between the **CITY** and the **COUNTY** regarding subdivision regulations in the ETJ; and

WHEREAS, the governing bodies of the **CITY** and **COUNTY** believe it is in the best interest of both entities to regulate floodplains and storm water in accordance with the Interlocal Agreement between the **CITY**, the **COUNTY** and the San Antonio River Authority establishing the Regional Flood Control, Drainage, and Storm Water Management Program; and

WHEREAS, in order to carry out the intent of the Parties as expressed above it is necessary to amend the Unified Development Code; 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 agreed terms of the Interlocal Agreement between the City of San Antonio, Texas and Bexar County, Texas that establishes subdivision platting responsibilities and procedures for property located both in the County of Bexar and the extraterritorial jurisdiction of the City of San Antonio as follows:

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

35-430 *Applicability & General Rules*

(c) *Plat Exceptions*

- (1) The division of land into parts greater than five acres (5) within the city limits of the City of San Antonio, where each part has access and no public improvement improvements is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of twenty (20) feet on an existing public or platted private street. In addition, public improvement shall mean creation of new streets, alleys or the extension of off site utilities or the installation of drainage improvements.
- (2) For Subdivisions located in the ETJ involving land divisions where all the lots and or tracts of land are greater than 10 ten acres in size shall not require a subdivision plat. The division of land into parts greater than ten acres within the ETJ of the City of San Antonio, where each part has access and no public improvement is being dedicated provided the division does not layout streets, alleys, squares, parks or other parts of the tract intended to dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square park or other part.
- (3) Each tract greater than ten (10) acres in size is eligible for up to 3 single family utility connections provided each part is held under common ownership, each tract has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean each tract has a minimum frontage of fifteen (15) feet on an existing public or platted private street or irrevocable access easement.

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 and, if applicable, shall include evidence of on site sewage facilities review from the respective county. 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 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 of Development Services 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 Director of Development Services or the applicable utility provider. A binding decision regarding subdivisions by the Director under this subsection is appealable to the Planning Commission. A binding decision regarding building permits by the Director or utility service by the applicable utility under this subsection is appealable to the Board of Adjustment.

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

35-430 *Applicability & General Rules*

(e) *Conflict with County Regulations*

This Division shall not be applied in such a manner to amend or alter any rules, regulations, procedures or policies lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the city. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained herein, then the standards of this chapter shall apply. For the purpose of this section, regulations shall be administered in accordance with an inter-local agreement executed by the City Council on 5/22/03.

Chapter 35, Article IV, Section 35-431(b)(1) is amended follows:

35-431 *Letters of Certification*

(b) *Initiation*

(1) *Certifying Departments*

A request for Letters of Certification and required items shall be filed by the applicant with the following Departments (hereinafter “Certifying Departments”):

- A. Department of Public Works
- B. Department of Planning
- C. SAWS
- D. CPS
- E. Department of Parks and Recreation
- F. Applicable County.

Chapter 35, Article IV, Section 35-432(d) is amended follows:

35-432 *Procedures for Subdivision Plat Approval*

(1) Applicability

The provisions of this Section apply to any Minor Subdivision Plat, Major Subdivision Plat, or Development Plat.

(b) Initiation

A final submittal for Subdivision Plat approval may be filed after a letter of certification or a revised letter of certification has been issued by the Certifying Agencies. An Application for Subdivision Plat approval shall not be filed until after a letter of certification or a revised letter of certification has been issued by each Certifying Agency. As required by VTCA § 212.008, an application for plat approval shall be filed with the Planning Commission. The Director shall serve as the agent for the Planning Commission for purposes of accepting plat applications pursuant to this Chapter. For the purpose of the time limits established by Vernon's Local Government Code, Section 212.009, no plat shall be deemed filed with the Planning Commission until the plat, and all required items as set forth in this chapter, performance agreement as applicable, tax certificates, letters of certification and, if applicable, a request for a variance as specified in § 35-483 have been submitted to the Planning Commission. The plat application shall expire unless the plat application is heard by and approved by the Director of Development Services or the Planning Commission within twenty-four (24) months from the date the plat application is submitted to the Department of Development Services.

(c) Completeness Review for Plat Approval

The Director shall determine whether letters of certification have been completed and whether the submittal contains the information required by Appendix B to this Chapter. Completeness Review shall be governed by this section and § 35-402, to the extent not inconsistent with this section. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Planning Commission.

(d) Decision

(1) Reviewing Agency

The Reviewing Agency for Major Plats is the Planning Commission. The Reviewing Agency for Minor Plats is the Director unless a variance or replat is requested, in which case the reviewing agency shall be the Planning Commission. The reviewing agency for plats located in the ETJ is the Planning Commission, however, if a proposed plat involves a variance the county shall also review and can deny the variance prior to issuing the applicant a letter of Certification (LOC).

(2) Time Limit for Approval

The reviewing agency shall act on a plat within thirty (30) days after the date the plat is filed. Plats shall not be deemed filed unless and until it is determined that complete information has been provided, as set forth in subsection (c) of this Section. A plat is deemed approved unless it is approved or disapproved within the thirty (30) day period.

(3) Withdrawal of Application

Once filed with the reviewing agency, a plat may be withdrawn provided that a written notice of withdrawal stating the reasons for the request is submitted to the director of planning development services. The thirty (30) day time limitation shall cease on the date that the notice is received by the Director; however, the Director may elect to present a withdrawal request to the Planning Commission for consideration.

(4) Planning Commission certification

Pursuant to VTCA Local Government Code § 212.0115, the Planning Commission shall on approval of a plat issue to the applicant a certificate as set out in Exhibit B stating that the plat or plan has been reviewed and approved by the Commission.

(e) Criteria

No person shall subdivide any tract of land except in conformity with the provisions of this Chapter. The plat shall be approved unless it is inconsistent with any of the criteria set forth in Article 5 of this Chapter. The plat shall not be approved if it does not comply with any of the criteria set forth in Article 5 of this Chapter. The decision making entity shall approve a plat if it conforms to:

- The master plan of the city and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
- The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within San Antonio and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
- Any applicable watershed master drainage plan adopted by the city; and
- The rules and regulations contained within Article 5 of this chapter.

(f) Subsequent Applications

There is no restriction on reapplication for subdivision approval.

(g) Amendments

Amendments to a subdivision plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.

(h) Scope of Approval

(1) Failure to Approve

An application for plat approval shall expire, and shall be void for all purposes if a plat is not approved in accordance with this chapter within two (2) years from the date that the plat was

formally submitted. Upon expiration of the plat application, a new plat number, application and fee shall be required if plat approval is still sought. Plat applications that have been submitted prior to September 1, 1997, and that have not been approved in accordance with this chapter, shall expire no later than May 15, 2005 unless otherwise prohibited by state law.

(2) Failure to Record

If a plat is not recorded in the county deed and plat records within three (3) years from the date of plat approval or upon expiration of any time extension thereto, approval of such plat shall expire. Thereafter, should the applicant desire to record the plat, a new application shall be required in the same manner as for a previously unsubmitted plat. Prior to the three (3) year expiration date the applicant may request a time extension in accordance with 35-430(f) of this Article.

(3) Duration

See § 35-711 of this Ordinance.

(i) Recording Procedures

(1) Fees.

At the time an application for a plat located within the city limits is submitted to the Department of Development Services, the applicant shall deposit fees covering the cost of recording the plat. Such fees shall be in the form of a check made payable to the city of San Antonio.

(2) Recordation.

The Director 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 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 35-433(a) is amended follows:

Section 35-433 (a) Development Plat

(a) Applicability

Pursuant to VTCA Local Government Code 212.041, the city hereby chooses by ordinance to be covered by Subchapter B of VTCA Local Government Code chapter 212. A boundary survey is required for any person who:

- A. proposes the development of a tract of land located within the city limits ~~or in the extraterritorial jurisdiction~~ of San Antonio and
- B. is not required to file a subdivision plat as required in 35-431 and 35-432

Chapter 35, Article IV, Section 35-434(a) is amended follows:

35-434 Plat Deferral

(a) Applicability

The Planning Commission may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:

- (1) The proposed plat is not part of a planned unit development and/or other city approved applicable plan.
- (2) The proposed project will not require a flood plain development permit.
- (3) The proposed project is not a replat, which requires a public hearing involving notification.
- (4) Construction will not encroach onto an existing or proposed easement, right of way, or building setback.
- (5) The proposed plat will not require a variance to the Unified Development Code.
- (6) The proposed project is not contingent upon a change in zoning classification.
- (7) Construction will not occur over the Edwards Aquifer recharge zone.
- (8) All of the proposed lots have existing frontage and access to a public street.
- (9) All utilities are existing and no public improvement will be required with the proposed plat.
- (10) Does not involve closure or vacating of a public R.O.W.
- (11) Applicant shall secure on-site sewage facility approval from the applicable County if required.

Chapter 35, Article IV, Section 35-435(b)(1) is amended 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. However, when the request

involves deviation from applicable design standards, approval from the applicable County is required.

Chapter 35, Article IV, Section 35-436(d) is amended follows:

35-436 *Performance Agreement*

(d) *Release upon completion of site improvements*

Upon completion of the required site improvements and acceptance by the Director of Development Services and County Engineer if site is located in ETJ ~~Public works~~, an instrument releasing the applicant from the provisions of the performance agreement shall be filed by the Director of Development Services ~~planning in the deed and plat records of the county within which the plat is located. in office of the city clerk~~. Such release shall be substantially the same as Form L in Exhibit B, § 35-B120 (f). If the necessary permits required to complete the site improvements (including, but not limited to, floodplain development permits) are denied by the City and are no longer required to serve the lots within the subdivision, the Director of Development Services shall approve and notify the City Clerk to release the performance agreement and guarantee as provided herein.

Chapter 35, Article IV, Section 35-483 is amended follows:

35 –483 *Subdivision Variances*

(a) *Applicability*

This section shall apply to any application for a variance from an applicable provision of provisions of Article 5 of this Chapter. Variances to plats, and any associated plans and profiles shall be granted by the planning commission, and the applicable county commissioners court if the property is located within the ETJ, only in conjunction with the consideration of the proposed plat for approval. Except for those administrative exemptions provided by 35-501 variances shall be granted only with respect to the standards for subdivision plat approval, and not for the process for obtaining subdivision plat approval.

(b) *Initiation*

The applicant shall submit in writing to the Director of Development Services, as executive secretary of the Planning Commission, a letter specifying the section for which a variance is requested and stating the grounds for the request along with all supportive facts upon which the applicant ~~he/she~~ believes a variance is warranted. Prior to submitting an application for plat approval the applicant shall submit a variance request for processing to the Director of Development Services. For processing purposes, the request shall be submitted at least twenty (20) days prior to an application request for plat approval. ~~The letter shall be transmitted along with the application for approval of a subdivision plat.~~

Each request for a variance shall be accompanied by a filing fee as specified in Exhibit C and the planning commission, shall not consider a variance request until such payment has been made. If

a request is for multiple variances, a fee shall be paid for each section or subsection of these regulations from which a variance is sought.

(c) Completeness Review

The Director of Development Services shall review a subdivision variance application for completeness within five (5) working days. The Appellate Agency for purpose of completeness review (see 35-402 (c) of this Chapter) shall be the Planning Commission.

(g) Scope of Approval

A variance granted by the Planning Commission shall remain valid for three (3) years from the date of plat approval. The force and effect of the variance shall become null and void unless the Planning Commission grants an extension in accordance with section 35-430 (f) (2).

~~Where a variance is granted by the Planning Commission and no building permit is granted within six (6) months after the date of the hearing thereon, the variance becomes null and void and of no force or effect. The Planning Commission may extend this time period for a successive six-month period, for a total time period not exceeding two (2) years, if the Applicant files a request for an extension prior to the expiration thereof.~~

Chapter 35, Article IV, Section 35-484 is amended follows:

Chapter 35, Article IV, Section 35-484 Development Plat Variances
Applicability

This section shall apply to any application for a variance from an applicable provision of Articles 5 of this Chapter for a Development Plat located inside the city limits.

Chapter 35, Article V, Section 35-501(b) is amended follows:

35-501 General Provisions

(b) Administrative Exceptions

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

- Section 35-502 Traffic Impact Analysis
- Section 35-504 Stormwater Management
- Section 35-505 Floodplain Development Standards
- Section 35-506 Transportation and Street Design
- Section 35-507 Utilities

- Section 35-526 Parking & Loading Standards (parking stall dimensions and parking requirements not to exceed +/- 10 % of the required parking).
- Section 35-527 Off-Street Truck Loading Requirements

(2) No administrative exception shall be granted unless:

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

(3) Where an administrative exception is not granted, or where an administrative exception is not permitted (as in the case of street connectivity, maximum parking requirements, and other items not enumerated in subsection (2), above), the applicant may seek a variance from the Planning Commission and County Commissioners when located in the ETJ pursuant to §§ 35-483 or 35-484 in the case of subdivision plats, or an appeal or variance pursuant to §§ 35-481 or 35-482 in the case of zoning permits.

Chapter 35, Article V, Section 35-501(f) is amended follows:

35-501 *General Provisions*

(f) Extended Warranty Bond

All subdivisions requiring streets and drainage improvements within the City of San Antonio and the Extraterritorial Jurisdiction shall be subject to a one (1) year maintenance bond.

Prior to acceptance of subdivision improvements, the developer shall provide the City or county (inside the ETJ) with an extended warranty bond, issued by a corporate surety company licensed to transact business in the State of Texas, to secure maintenance and repair of subdivision for the period ending at least twelve (12) months subsequent to acceptance of the subdivision improvements by the City or County when applicable.

Chapter 35, Article V, Sections 35-506(d)(1), Tables 506-3 and 506-4, 35-506(d)(3), 35-506(d)(5), and 35-506(d)(9) are amended as follows:

35-506 *Transportation and Street Design*

(b) Improvements Required

All street grading and base construction shall be in accordance with approved plans. Streets shall be completed consistent with the approved construction plans. County Cross section street/designs may be used in the ETJ when the density is less than 2 units per acre.

(d) Cross-Section and Construction Standards

(1) Interior Streets

The subdivider shall dedicate all interior Streets within the subdivision based upon the following tables:

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 apply only 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 bicycle master plan as approved by City Council

⁷ Entry portion without parking

⁸ Right-of-Way and pavement width requirements in 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 506-4A 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 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.

(2) Vertical curvature

A gradual transition from one roadway grade to another shall be accomplished by means of a vertical parallel curve connecting two (2) intersecting tangents. No vertical curve for gradients having an algebraic difference of 1.5 or less will be required. The minimum length of vertical curve shall be computed from the following formula and table:

(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. The minimum cross-slope of a road shall be 2% and the maximum shall be 4%.

(4) Bicycle Facilities

When identified on the City Council approved Bike Facilities Master Plan the following will apply. Required Collector/Main Streets will include bike lanes or bike paths. Bicycle facilities along Arterial / Avenue / Boulevard / Parkway Streets shall be located separate from the pavement section. The bicycle facility, at least 5 feet in width and constructed of an all weather surface on one side of the street, shall be provided between the curb and the right-of-way line or the sidewalks can be constructed at least 8-foot in width on one side of the street to accommodate both pedestrian and bicycle traffic. If separate bicycle facilities cannot be provided, such as along existing collector and arterial streets of sufficient width, bicycle lanes, located within the pavement section, shall be a minimum of 5 feet wide (excluding curb and drain inlets), and shall be signed, striped and marked for bicycle use. Bike paths, when required within the city limits, may be constructed with development of the abutting property at the time building permit acquired.

(5) Intersection Sight Distance

To ensure safety of motorists and other travelers, it is necessary that drivers who are entering an intersection have an adequate view of approaching motorists. This view is required over a clear vision area, which is a right triangle where one side is called "intersection sight distance" and the adjacent side is the distance between the driver and the path of the vehicles approaching from the side. The clear vision area is that portion of a property over which motorists must see to safely judge and execute a driving maneuver into the intersection and onto the street. This applies to intersections of two or more streets as well as junctions of driveways and streets. Clear vision areas must be free of visual obstructions, e.g. structures, walls, fences, and vegetation, which are higher than three feet and lower than eight feet above the pavement. ~~The 1990 AASHTO Green Book, or latest revision thereof determines this length of the required intersection sight distance.~~ The American Association of State Highway & Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, or latest revision thereof determines this length of the required intersection sight distance.

(6) Cul-de-sac Streets

- A. 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 after consultation with the Fire Chief or his designee. No such approval shall be granted unless the Director of Development Services finds the following:

* * * * *

(7) Alleys

Alleys are optional unless it is required by table 506-4A

(8) Intersection with Alleys and Utility Easements

Where two (2) alleys or utility easements intersect or turn at a right angle, a cutoff of not less than ten (10) feet from the normal intersection of the property or easement line shall be provided along each property or easement line. If the alleys are not straight within each block or if they do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

(9) Substandard existing Streets

Where subdivisions within the city limits are adjacent to existing Streets and right-of-way widths of those existing Streets are less than the minimum right-of-way widths as set out in this chapter for all Streets, no building permits shall be granted until the right-of-way widths have been dedicated to the minimum widths required by this Chapter abutting the development. In addition, substandard existing streets located in the ETJ shall be upgraded to minimum standards as set forth in the code and in connection with plat approval. The provisions of this subsection shall not apply within the Infill Development Zone ("IDZ"). Curb, sidewalk and pavement improvements adjacent to the development for multi-family and commercial developments shall be provided on sub-standard width existing streets at the time of building permit.

(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:

- A. When the Director of Development Services determines that the curbs will interfere with or disrupt drainage.
- B. When the Director of Development Services determines that public construction that would require curb replacement will take place on the Street within three (3) years.
- C. On local type A Streets in single-family or two-family residential subdivisions within the RP and RE zoning districts.
- D. On Streets in residential subdivisions where no adjacent lots are platted if approved by the Director of Development Services, such as Streets adjacent to walls or drainage ways.
- E. Where the Director of Development Services determines that preservation of trees warrants the elimination, reduction in width, or modification to the curb requirements in accordance with the Tree Preservation Standards.
- F. When densities of less than 2 units per acres and a County section for local streets is proposed in the ETJ.

Chapter 35, Article V, Section 35-506(i) is amended as follows:

35-506 *Transportation and Street Design*

(i) *Street Lights*

(1) Streetlights shall be provided in all subdivisions within the city. Streetlights are not required in the ETJ by the county. However, if proposed by the applicant, all associated cost shall be borne by the developer. Street lights shall be installed by city public service at all public street intersections with other public streets, crosswalks, at safety lane intersections with public streets, midblock areas, or service areas as determined by city policies.

(2) In subdivisions within the RP or RE zoning districts, ~~or in the ETJ~~ and densities which do not exceed ~~one (1)~~ two (2) dwelling units per acre, the Director of Development Services may waive the requirement for street lights for public street intersections or ~~mid block~~ midblock areas where he finds that the area does not require such lighting for safe pedestrian or vehicular traffic. Streetlights in the ETJ shall not be required when densities of less than 2 units per acre are proposed. However, if proposed by the applicant, all associated cost shall be borne by the developer

(3) The subdivider shall contract with the city through the department of public works for payment of all costs associated with the engineering and installation of Street lighting. Such contracts must be executed prior to issuance of a letter of certification by the department of public works. Full payment for all costs must be made prior to the recordation of the plat. A copy of the current schedule of costs to the city of labor and materials associated with the engineering and installation of street lighting shall be filed by the Director of Development Services with the city clerk and be available for public inspection. New schedules shall be filed whenever there is an increase in costs.

Chapter 35, Article V, Section 35-506(n)(2) and Figure 506-7, Note 3 are amended as follows:

35-506 *Transportation and Street Design*

(n) *Medians*

(2) *Special purpose medians.*

Dividers constructed for aesthetic purposes such as entrances for subdivisions or landscaping shall be permitted. The minimum width for such dividers is fourteen (14) feet with minimum eighteen (18) feet of pavement width on either side of the median. The divider shall maintain the full width for a minimum twenty-five (25) feet after which an appropriate transition shall be provided in accordance with standards for pavement and median transition (Subsection (m), above). The twenty-five (25) feet shall be measured from the edge of pavement of the ultimate width of the intersecting roadway. The nose or rounded portion of the divider shall be placed two (2) feet off the edge of the traveled roadway of the intersecting Street unless the turning radius of vehicular traffic indicates other modifications to the median nose are required. No signs, walls or fences, trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance (See Figure 506-7). The median design and exceptions to pavement width adjacent to the median must be approved by the Director of Development Services in consultation with the Director of

Public Works. In addition, the Director shall seek concurrence from the applicable county authority for all proposed medians located in the ETJ. ~~except roadways located on the Major Thoroughfare Plan.~~

Chapter 35, Article V, Section 35-506(o) is amended follows:

35-506 *Transportation and Street Design*

(o) *Wheelchair ramps*

(1) *Location*

Wheelchair ramps shall be constructed at the entrance to all crosswalks where sidewalks exist or where required as part of these regulations. A waiver of sidewalk requirements does not waive the wheelchair requirement. Where sidewalks or curbs exist, wheelchair ramps shall be added at locations specified herein, wherever any work is proposed to the existing driveways, curb, or sidewalks. Also, wheelchair ramps shall be added wherever missing sidewalks or curb segments are added in front of any lot or block of a subdivision. ADA ramps shall be designed and placed considering the topography of the finished grades of a completed intersection. Changes required because of field conditions will be reflected on revised drawings submitted to the reviewing agency (City of San Antonio or Bexar County Engineer) for approval prior to completing construction. The use of symbols to indicate approximate locations of ramps is not acceptable unless appropriately detailed elsewhere on the drawings.

(2) *Design Standards*

Any construction, reconstruction or other improvements addressed in this chapter shall conform as a minimum to the Americans with Disabilities Act and any rules and regulations relating thereto (see § 35-501(d)). The Plat or Site Plan shall show infrastructure construction, reconstruction, repair or regrading and details of curb cut and wheelchair ramps. The location of the curb-cut opening and ramp must be coordinated with respect to the pedestrian crosswalk lines. This planning must ensure that the ramp openings at a fully depressed curb shall be situated within the parallel boundaries of the crosswalk markings. Ramps for the disability disabled are not limited to intersections and marked crosswalks, and ramps shall also be provided at other appropriate or designated points where there is a concentration of pedestrian traffic, such as loading islands, midblock pedestrian crossings, and locations where pedestrians could not otherwise recognize the proper place to cross the street. Because non-intersection pedestrian crossings are generally unexpected by the motorist, warning signs shall be installed and parking shall be prohibited. Ramps for the disability disabled shall have a textured nonskid surface for the user, which also warns a sight-impaired person of the presence of the ramp. Wheelchair ramps shall be designed and constructed in accordance with the details in Figure 506-8, below except for wheelchair ramps located in the ETJ where the Bexar County Engineer has approval authority.

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* * * * *

Chapter 35, Article V, Sections 35-506 (q) (2)(D) are amended as follows:

(q) Sidewalk Standards

(2) Sidewalk exceptions

- A. When a pedestrian circulation plan accompanied by the plan review fee specified in Appendix C has been submitted to and approved by the planning commission prior to or at the time of plat approval. The pedestrian circulation plan shall show the location and arrangement of all-weather walkways and the phasing or time schedule for the construction of the walkways. In considering the plan, the planning commission shall require and may impose conditions to ensure that access to and along the walkway areas is safe, convenient, and provides pedestrians with adequate paths of movement. If the proposed walkways are not located within a public right-of-way, then pedestrian easements shall be included on the plat.
- B. When the Director of Development Services determines that the sidewalks will interfere with or disrupt drainage.
- C. When the Director of Development Services determines that public construction, which would require sidewalk replacement, will take place on the Street within three (3) years.
- D. On local type A streets and when county design standards are used in single or two family residential subdivisions with densities less than two (2) 2.5 residential units per acre.
- E. On Streets in residential subdivisions where no adjacent lots are platted if approved by the Director of Development Services, such as Streets adjacent to walls or drainage ways.
- F. Where the Director of Development Services determines that preservation of trees warrants the elimination, reduction in width, or modification to the sidewalk and curb requirements in accordance with the Tree Preservation Standards.

(5) Width

Except as otherwise specified in Americans with Disabilities Act (ADA) (see 35-501(e) herein), sidewalks shall have a minimum unobstructed width as follows:

- A. The minimum width of sidewalks adjoining ~~a planting strip~~ residential curbs shall be four (4) feet in width in accordance with City of San Antonio Ordinance 98696 dated January 8, 2004. The minimum width of sidewalks adjoining the curb shall be six (6) feet in width for Local type B, Collectors and Arterials. ~~and four (4) feet for Residential.~~

Chapter 35, Article V, Section 35-506(t) is amended follows:

35-506 Transportation and Street Design

(t) Traffic Calming

The purpose of this Section, along with § 35-515(b)(4) (Lot Layout Standards – Block Length and Perimeter) of this Article, is to protect the public health, safety and general welfare by ensuring that speeds on local Streets are suitable for their intended purpose. The City hereby finds and determines that long blocks, wide Street cross-sections and uninterrupted traffic flows can encourage speeding on local Streets. Accordingly, these design standards will slow traffic on local Streets while allowing flexibility in design and offering Applicants the choice of treatment that works best for the Streets in a Proposed Development.

(1) Applicability

The provisions of this subsection shall apply to Local Streets when any traffic devices are proposed and shall be approved by the County when located in the ETJ.

(2) Street Lengths

The length of Street Links shall comply with the block length standards established in § 35-515(b)(4) of this Chapter.

(3) Traffic Control Calming Features

A longer Street length may be allowed through the placement of an approved traffic calming feature at a location which produces an unimpeded length of the Street Link which does not exceed the block length standards (§ 35-515(b)(4)).

The following provisions describe and establish standards for permitted traffic calming devices where traffic calming measures are permitted as part of the roadway design elements in subsection B, above. The descriptions set forth herein are described in the document entitled R. Ewing, Traffic Calming: State of the Practice (Institute of Transportation Engineers (ITE) and the Federal Highway Administration (FHWA), 1999), which document is hereby incorporated by this reference. In addition, the Director of Development Services shall seek a concurrence from the Bexar County Engineer for any type of traffic calming feature proposed on residential roadways located in the ETJ as detailed in Table 506-8 Traffic calming options for Locals and Collector Streets are noted below:

* * * * *

Chapter 35, Appendix B, Section 35-B121(f)(6), 35-B121(f)(9) and 35-B121(f)(10) are amended as follows:

35-B121 Subdivison Plat Applications

(6) Form F: Performance Agreement

I, _____ as _____ do hereby agree that if the proposed plat _____ (number and name) _____, filed by me is approved by the planning commission of the City of San Antonio, Texas, the Director of Development Services of the city may retain the plat in his possession without recording same for a maximum period of three (3) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the City of San Antonio <u>and County if applicable</u> , or until I have filed with the city clerk of the City of San Antonio one of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval. The form of the guarantee of performance shall be as follows:

(1) A performance bond, meeting the requirements set out in Chapter 35 of the City Code, and which will be substantially in the form set out in Exhibit B of Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

(2) A trust agreement, meeting the requirements set out in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

(3) Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the Director of Development Services.

(4) An irrevocable letter of credit, meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as _____ or any part thereof, shall be liable to the City of San Antonio that all site improvements will be completed and, except for planned residential district bufferyards and public benefit features, accepted by the city within the time provided herein. However, should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Development Services. It is expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the Director of Development Services at the end of each period of such delay.

I further fully understand and agree that, at the end of each one-year period until the expiration of three (3) years from the date of plat approval, the Director of Development Services shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any existing performance guarantee. Should the Director of Development Services conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the Director of Development Services within thirty (30) days of the request for same, I understand and agree that the Director of Development Services shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have 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 §35-432 of Chapter 35 of the City Code.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the Director of Development Services shall refuse to accept a performance guarantee, under any form, which is related to the plat of a subdivision in which I have a principal or subsidiary interest.

In any event, I agree that approval of the plat shall expire after three (3) years from date of approval unless I have either completed all site improvements and have had same accepted by the city or provided an appropriate performance guarantee.

Executed this _____ day of _____, _____.

Subdivider

By: _____
Title: _____

* * * * *

(9) Form J: Trust Agreement

* * * * *

This agreement is between _____ Subdivider, trustee, and the City of San Antonio.

Subdivider has deposited (or herewith deposits) subject to the order of subdivider and trustee jointly as provided in this agreement in the (name and location of bank, trust company or qualified escrow agent _____), Texas, in the sum of \$ _____ for the purpose of constructing site improvements in _____ Subdivision, plat # _____, in _____ County, Texas for the benefit of the public represented by the City of San Antonio and more particularly described as follows:

Types of Site Improvements (Gas, and electric lines not Estimated Cost included)

Streets \$ _____
Sidewalks \$ _____
Alleys \$ _____
Storm drainage \$ _____
Sanitary Sewer \$ _____
Water \$ _____
Other (specify) \$ _____

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements, and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees

shall provide the Director of Development Services and County Engineer the with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. The affidavit shall be submitted substantially in the following form:

Affidavit

State of Texas }
 }
County of Bexar }

Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared _____, who, being by me first duly sworn upon his oath deposes and says:

I, _____, subdivider of the _____, under date(s) of _____, withdrew the sum(s) of \$_____ from the trust account heretofore deposited with _____, trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to _____ subdivision as follows:

Subdivisions

Site Improvement	Amount	Percentage of Completion
\$ _____	\$ _____	\$ _____

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, _____, _____.

Subdivider

Notary Public in and for
The State of Texas

Until this affidavit is accomplished, no further withdrawals shall be made from the trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefor from the Director of Development Services to do so.

Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.

Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the City of San Antonio for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the city manager or his duly authorized representative, it is hereby understood that payment to the city shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.

In testimony whereof witness our hand and seal this _____ day of _____, A.D., _____.

Subdivider

(10) Form K: Irrevocable Letter of Credit

To: City of San Antonio
City Hall Date: _____
P.O. Box 839966
San Antonio, Texas
78283-3966 Amount: _____

Gentleman/Ladies:

At the request of _____ (subdivider) _____, and for the account of
_____ (name of company/corporation) _____, we hereby
open in favor of the City of San Antonio our irrevocable letter of credit for sum or sums not exceeding \$ _____ dollars available by your
demand on us and documents specified below:

A signed statement by the Director of Development Services and County engineer certifying that the funds drawn under this letter of credit are
needed to pay for the completion of all or any of the following improvements:

SECTION 2. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 9. Notice of these changes to the Unified Development Code shall ~~not~~ require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

SECTION 10. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 11. This ordinance shall become effective February XX, 2004.

PASSED AND APPROVED this XXth day of January, 2004.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____