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AGENDA ITEM NO. 4

**CITY OF SAN ANTONIO  
DEVELOPMENT SERVICES DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Florencio Peña III, Director, Development Services Department

**SUBJECT:** Public Hearing on the 2005 Unified Development Code Annual Update Program

**DATE:** December 15, 2005

**SUMMARY & RECOMMENDATIONS**

At the direction of the City Council on December 1, 2005, this is a 2<sup>nd</sup> public hearing and consideration of the 2005 Unified Development Code Annual Update Program excluding all amendments to the tree preservation requirements. The proposed amendments were identified by multiple sources such as community stakeholders, city staff and legal directives.

Staff recommends approval of all items with the exception of item 35-104 and item 35-202. Item 35-104 would exempt VIA Metropolitan Transit and the Advanced Transportation District from the zoning provisions of the UDC. Item 35-202 would remove the 30-acre maximum size limit for the enclave subdivision.

**BACKGROUND INFORMATION**

The UDC provides for an annual updating of the UDC. The updating process requires all amendments be submitted to the Development Services Department no later than July 1<sup>st</sup> of each year. The amendments must be forwarded for consideration to the Planning Commission Technical Advisory Committee (PCTAC), Planning Commission and Zoning Commission no later than October 30<sup>th</sup> and then to City Council by December 1<sup>st</sup>. Adopted amendments become effective January 1<sup>st</sup> of the following year.

This year 67 amendments have been reviewed and approved by the PCTAC, the Planning Commission and the Zoning Commission. All, except four, of the proposed amendments come with a recommendation for adoption by the two Commissions and the PCTAC. The amendments were presented to the City Council Urban Affairs Committee on November 14<sup>th</sup>. The City Council Urban Affairs Committee directed staff to hold one additional public hearing before the City Council on December 1<sup>st</sup> prior to the public hearing and consideration of the items on December 15, 2005. At the City Council Public Hearing on December 1<sup>st</sup>, City Council directed staff to bring back all items for consideration with the exception of the tree preservation amendments. These items will be included in a City Council B session early in 2006.

## POLICY ANALYSIS

This year's Annual Update Program, excluding the tree preservation amendments contains 62 amendments of which 57 have the unanimous recommendation of the PCTAC, Planning Commission, Zoning Commission and city staff. Two of the remaining five amendments (Items 1 & 2) were forwarded with differing recommendations from the Planning and Zoning Commissions. The Planning Commission approved items 3 and 5 but after that approval the amendments were changed for legal purposes and then approved by the Zoning Commission. Item 4 was approved by both the Planning and Zoning Commissions, however recent consultations with the City Attorney's Office will result in staff bringing forward an alternative recommendation.

The five amendments with differing recommendations are as follows:

1. **Planning Commission** recommended a change to provide VIA with a blanket exemption from the zoning ordinance.  
**Zoning Commission** recommended incorporation of certain VIA transportation uses into Section 35-311 and 35.311-a (Tables of Residential Use Matrix) and 35-3111-2 and 35-311-b (Tables of Non-Residential Use Matrix).  
**City Staff** concurs with Zoning Commission.
2. **Planning Commission** recommended removing the 30-acre maximum size for an enclave subdivision.  
**Zoning Commission** recommended changing the maximum size of an enclave subdivision from 30-acres to 150-acres.  
**City Staff** concurs with Zoning Commission because a size limit provides for better connectivity and more efficient delivery of municipal services.<sup>1</sup>
3. **Planning Commission** recommended a change in terminology from "Specific Use Permit" to "Special Exception".  
**Zoning Commission** recommended a change in terminology from "Specific Use Permit" to "Specific Use Authorization".  
**City Staff** concurs with Zoning Commission. This is a minor editorial change.
4. **Planning Commission** recommended amending the criteria for granting subdivision variances so that it is closer to the criteria for Board of Adjustment's variances.  
**Zoning Commission concurs** with the Planning Commission.  
**City Staff** is working on language that clarifies the meaning of a hardship as an alternative recommendation.
5. **Planning Commission** recommended adding the wording "or floodplain" to the definition of "adjacent".  
**Zoning Commission** recommended replacing the current definition of "adjacent" with the Webster's Dictionary definition of "adjacent".  
**City Staff** concurs with Zoning Commission because it provides a better definition.

## FINANCIAL IMPACT

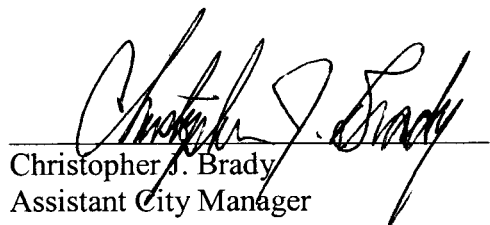
There is no anticipated financial impact.

## COORDINATION

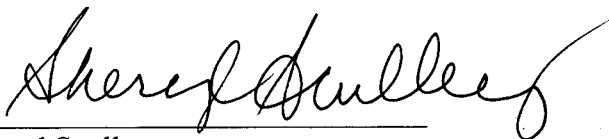
This item was coordinated with the City Attorney's Office, Planning Department and Public Works Department.

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Florencio Peña III  
Director, Development Services Department

A handwritten signature in cursive script, appearing to read "Christopher J. Brady", written over a horizontal line.

Christopher J. Brady  
Assistant City Manager

A handwritten signature in cursive script, appearing to read "Sheryl Sculley", written over a horizontal line.

Sheryl Sculley  
City Manager