



UDC Update Request Application

Part 1. Applicant Information

Name: Daniel Hazlett Organization (if applicable): Development Services
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Signature: _____ Digitally signed by Michael Shannon Date: 10/01/2021
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment is intended to clarify the MPCD plan approval process and align it with the PUD process that was updated as part of the 2015 UDC amendment cycle. This amendment makes the similar processes consistent in the application, review, and approval process.

UDC 2021 Proposed Amendment

Amendment 5-18**Applicant:** Development Services**Amendment Title** – ‘Sec. 35-345.01 - "MPCD" Master Planned Community Districts [adopted prior to January 1, 2023.](#)’**Amendment Language:**

The master planned community district is a special district established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses building and circulation systems.

Amendment Title –‘Sec. 35-345.02 - "MPCD" Master Planned Community Districts [established subsequent to after January 1, 2023.](#)’**Amendment Language:** N/A**Amendment Title** –‘[Sec . 35-345. - "MPCD" Master Planned Community Districts.](#)’**Amendment Language:**

[The master planned community district is a special district established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems.](#)

(a) Uses.

- (1) [An "MPCD" may include both residential and commercial uses. In particular, all residential single-family \(including gated communities\) and multi-family uses; "O-1" and "O-2" office uses; and "NC," "C-1," "C-2," and "C-3" commercial uses as defined in this chapter, are specifically permitted in the "MPCD" zoning base district.](#)
- (2) [In addition, business park uses shall be permitted in an "MPCD" zoning base district, subject to the performance standards established in subsection \(l\) of this section, as follows:](#)
 - [Wholesaling,](#)
 - [Research and development,](#)
 - [Manufacturing,](#)
 - [Processing,](#)
 - [Fabrication, and assembly,](#)
 - [Testing,](#)
 - [Repair,](#)
 - [Servicing,](#)
 - [Storage,](#)
 - [Laboratory,](#)
 - [Warehousing,](#)
 - [Displaying, or](#)
 - [Distribution of goods, materials or products.](#)

- (3) Vehicular access to a business park use shall be permitted only from major thoroughfares as designated in the city's major thoroughfare plan.
- (4) The location of all land use categories shall be designated on the "MPCD" site plan as residential (single-family), attached residential (multi-family), office, commercial or light industry.
- (b) **Size.** An "MPCD" shall consist of at least twenty-five (25) contiguous acres.
- (c) **Initiation.** A proceeding for approval of a master planned community zoning district shall be initiated by filing an application with the director of development services. The application must meet the following minimum criteria:
- (1) The application shall include a site plan that is prepared to scale. The site plan must be drawn with dimensions and a graphic scale must be provided.
- (2) "MPCD" site plans shall be reviewed by the zoning commission and approved by the city council concurrent with the application for rezoning to an "MPCD." The zoning ordinance shall provide that adherence to the "MPCD" site plan, or the amended "MPCD" site plan is required within the "MPCD" provided, however, that a rezoning shall not be required for the approval of a minor change to the "MPCD" site plan as defined in subsection (e)(3) of this section. The site plan shall include the proposed land uses by location, type (single-family, multi-family, office or commercial), density and size. Where single-family uses are designated, minimum lot size shall be included and major physical features such as easements, streams, floodplains, and significant vegetation shall be noted.
- (3) If a master planned community is proposed outside of the city's zoning jurisdiction, but within the city's extraterritorial jurisdiction, then the property owner may submit a master site plan that conforms with the provisions contained within the section. In addition, the property owner upon submittal of the master site plan may designate such site plan as a master planned community site plan. If the property which is the subject of the master planned community site plan is subsequently annexed into the city's zoning jurisdiction, then the city shall initiate a rezoning application for the subject tract to rezone the property to "MPCD." The rezoning request and the previously approved master site plan with master planned community designation shall then be reviewed for approval pursuant to the procedures contained herein.
- (d) **Coordination with Independent School Districts.** A copy of the site plan shall be provided to the independent school district or districts in which the "MPCD" is proposed to be located. The applicant shall coordinate with the independent school district(s) in order to address the educational needs that may arise with the development of the "MPCD."
- (e) **Amendments to "MPCD" Master Site Plan.**
- (1) Alterations to a MPCD plan shall be classified as either minor or major amendments. Minor amendments may be approved by the development services director. Major amendments shall be considered by the zoning commission and city council following the same procedure required for the initial approval of the plan, including payment of the application fee. The following criteria shall be used to identify a major amendment:
- (2) A major amendment to an "MPCD" site plan shall include:
- A. Any increase in the total number of residential units for the entire "MPCD."
- B. Any increase in the total commercial acreage within the "MPCD."
- C. Any increase in the total industrial acreage within the "MPCD."
- D. Any increase in the cumulative traffic impacts of the entire "MPCD" upon outlying transportation infrastructure.
- E. Any increase in the total sewer capacity required for the "MPCD" as measured in equivalent dwelling units.
- F. Any increase in the total water capacity required for the "MPCD" as measured in equivalent dwelling units.
- G. Any decrease above ten (10) percent in the total open space acreage within the "MPCD."
- H. Any decrease in perimeter buffers between the "MPCD" and adjacent properties.

I. Any change in a proposed land use node from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.

(3) Any other revision to an "MPCD" site plan not described in subsection (2), above, shall be deemed a minor change.

(f) Height and Yard Requirements.

(1) **Height Limitation.** The maximum height of structures shall be governed by the MPCD site plan, however uses subject to subsection (k)(1) of this section shall comply with the compatibility standards set forth in subsection (k).

(2) **Minimum Yard.** Single-family lots shall comply with the lot requirements of the zoning base district that requires a minimum lot square footage that is less than or equal to the lot square footage shown on the "MPCD" site plan. Multi-family, office and commercial shall comply with the setback requirements of the International Building Code.

(3) **Fences.** Along collector and arterial streets, fences within an "MPCD" may extend to a height of eight (8) feet subject to the clear vision area requirements of subsection 35-505(f) of this chapter.

(g) **Required Natural Buffer.** Unless the perimeter of the "MPCD" is bound by a street or roadway, any property located on the boundary of the "MPCD" shall maintain a twenty-foot natural buffer (trees, grass or other vegetation) when:

- The "MPCD" property, used (or proposed for use) for other than single-family purposes, abuts property outside the "MPCD" that is used (or is vacant and zoned) for single-family purposes; or
- The "MPCD" property, used (or proposed for use) for single-family purposes, abuts property outside the "MPCD" that is used (or is vacant and zoned) for other than single-family purposes.

(h) Infrastructure Requirements.

(1) Streets and Sidewalks.

A. Streets within an "MPCD" may be public or private.

B. The entrance to private streets may provide control access by gates or other means permitted by this chapter (see subsection 35-505(s)).

C. Alternative street and sidewalk standards may be applied within an "MPCD." In order to be applicable to a particular "MPCD" the alternative street and sidewalk standards must be submitted as part of the "MPCD" site plan and the site plan must be approved by the city council. For purposes of this subsection, an "alternative street and sidewalk standard" means a standard which varies from the requirements of subsection 35-506(d) of this chapter.

D. Whether public or private, streets and sidewalks shall conform to the transportation standards of this chapter, as applicable to streets, or alternative street and sidewalk standards" approved as part of an "MPCD" site plan.

(2) **Utilities.** All utility systems shall comply with the utilities standards (section 35-506) of this chapter.

(3) **Easements.** Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

(i) **Open Space.** Each "MPDC" plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Open space shall include yards, as well as any parks or open space areas which conform to the parks/open space standards of this chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half (½) of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

- (1) **Open Space Percentages.** The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within the MPCD boundary by the gross site area. The land use category shall be determined by the base zoning district. For "MPCDs" which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

<u>Land Use Category</u>	<u>Required Open Space (in percent)</u>
<u>Residential</u>	<u>35%</u>
<u>Nonresidential</u>	<u>20%</u>
<u>Mixed Use</u>	<u>20%</u>

- (2) **Reduction in Open Space.** At its discretion, the zoning commission may recommend a decrease in the amount of required open space within the "MPCD" when the "MPCD" plan includes amenities in accordance with Table 503-4 Parks Facilities Credit of article V. The parks and recreation department may make a recommendation to the zoning commission and such amenities shall be clearly identified on the "MPCD" plan and the amount of credit given for each one.
- (3) All open space areas, boundaries and credit shall be identified within the "MPCD" plan boundary.
- (j) **Parking Requirements.** Off-street parking and truck loading facilities shall be provided in accordance with parking standards of this chapter.
- (k) **Compatibility Standards.**
- (1) **Applicability.** This section applies to any use within an "MPCD" which abuts property on which a single-family residential use is located. In this section, a "single-family residential use" includes any single-family dwelling, duplex, triplex, fourplex, townhome, or residential condominium. The abutting property on which a "single-family residential use" which is established, or is to be used, as evidence by notation on the "MPCD" site plan, is referred to in this subsection (k) as a "single-family area."
- (2) **Height Limitations.** A structure subject to subsection (k)(1) of this section:
- A. Shall be located at least twenty-five (25) feet from a single-family area;
- B. Shall not exceed two (2) stories or thirty (30) feet in height if the structure is fifty (50) feet or less from a single-family area;
- C. May exceed two (2) stories or thirty (30) feet in height, but shall not exceed three (3) stories or forty (40) feet in height, if the structure is one hundred (100) feet or less from a single-family area.
- (3) **Increase in Height Limitations.** The height of a structure subject to subsection (k)(1) of this section may increase by:
- A. One (1) foot for each foot of distance from property that triggers the compatibility standards if the structure is at least one hundred (100) feet but not more than three hundred (300) feet from an abutting tract which is used or is to be used, as evidenced by a notation on the "MPCD" site plan, for single-family residential purposes, and the increased height is permitted by in an "MPCD"; or
- B. One (1) foot for each four (4) feet of distance from property that triggers the compatibility standards if the structure is at least three hundred (300) feet, but not more than five hundred forty (540) feet, from property in an abutting tract which is being used or is to be used, as evidence by

notation on the "MPCD" site plan, for single-family residential purposes; and the increased height is permitted by the applicable zoning district regulation.

(4) Scale and Clustering Requirements. The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:

- Avoiding the use of a continuous or unbroken wall plane; and
- Using an architectural feature or element that creates a variety of scale relationships, creates the appearance of a residential structure, or is consistent with the exterior form and materials of a structure on an adjoining property; and
- Using similar materials for all buildings within the designated land use category; and
- Using a design technique or element that creates a building scale which does not exceed single-family residential uses within the "MPCD," prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more massive than a structure in a single-family residence zoning district; and allows the construction of a structure, including a multi-family structure, that exhibits a scale and massing that is consistent with a single-family residential use.

Except where the "MPCD" site plan specifically provides otherwise, the first block of buildings subject to this subsection must be clustered in a group that is not more than fifty (50) feet wide, as measured along the side of the buildings that are most parallel to the property line of the site. The depth of the first tier of buildings described under subsection (B) may not exceed:

- Two (2) units; or
- Sixty (60) feet.

A building must be at least ten (10) feet apart from another building, as measured from wall face to wall face.

(5) Screening Requirements. Buildings shall be screened from the view of adjacent property single-family land use category if the use for the building to be constructed is intended for off-street parking, the placement of mechanical equipment, storage, refuse collection or any business park use. A person may comply with this subsection by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six (6) feet, except as provided within this chapter. The owner must maintain a fence, berm, or vegetation provided under this section.

(6) Design Regulations.

A. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property which is being utilized for single-family residential purposes.

B. The noise level of mechanical equipment may not exceed seventy (70) db at the propertyline.

C. A permanently placed refuse receptacle, including a dumpster, shall not be located within twenty (20) feet of a single-family land use area.

D. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven (6) to a rise of twelve (12), may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.

E. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed fifty (50) feet or less from a single-family area.

(l) Business Park Uses Performance Standards. In addition to this section's compatibility standards, set out in subsection (k) immediately above, business park uses shall conform to performance standards as follows:

- (1) **Air Pollution.** All uses within a business park district shall operate in compliance with the most current revision of the regulations of the Texas Air Control Board pertaining to the control of air pollution. The city hereby adopts by reference these regulations, a copy of which is on file in the offices of the city clerk and the department of planning and development services.
- (2) **Noise.** All uses shall comply with the provisions of chapter 21, article III of the City Code, Noise, and shall not create a noise nuisance as defined in said article III of chapter 21.

- (3) **Glare and Heat.** No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.
- (4) **Vibration.** All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the business park district.
- (5) **Noxious Odors.** The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the business park district.
- (6) **Toxic and Liquid Wastes.** The discharge of any toxic or liquid waste material into any outdoor watercourse or drainageway shall be prohibited.
- (7) **Fire and Explosion.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code as adopted by the city. The storage of petroleum and other flammable products is permitted only as an incidental use and is prohibited in aboveground tanks.
- (8) **Radioactivity.** No operation shall cause radioactivity at any lot line in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.
- (9) **Electromagnetic Radiation.** No operation shall be conducted which shall adversely effect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.
- (10) **Outside Storage.** Outside storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) so as to completely screen all operations conducted within such wall from observation outside the business park district. The wall shall be at least six (6) feet, but not more than twelve (12) feet in height. No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.
- (11) **Other Structures.** Structures other than buildings which are visible from view outside of the business park district shall be screened by plantings, landscaping, and/or a solid wall/fence at least six (6) feet in height.

Upon application for a certificate of occupancy for any use in a business park district, the director of planning and development services 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 and development services shall provide verification of the proposed use(s) upon request from the director of planning and development services.

- (m) **Rezoning of Property Within an "MPCD."** No property within the boundaries of an "MPCD" may be rezoned unless and until the "MPCD" site plan is amended pursuant to the provisions contained herein. In particular, any such amendment or rezoning application must be justified in terms of impact to utility infrastructure, roadway infrastructure and goals and purposes of the original master planned community.
- (n) **Development of an "MPCD" Within the City's Extraterritorial Jurisdiction.** An "MPCD" may be developed within the city's extraterritorial jurisdiction provided that the "MPCD" is developed pursuant to an approved master site plan as provided in section 35-412 of this chapter and the "MPCD" is designated as such on the master site plan. The permanent zoning of any "MPCD," that is initially located within the extraterritorial jurisdiction and later becomes part of an annexation, shall be consistent with the "MPCD" master plan governing the "MPCD" as provided in section 35-307 of this chapter.
- (o) **Copy of "MPCD" Shall be Made Available to the Public.** The developer or landowner of an approved "MPCD" shall maintain a copy of the "MPCD" site plan within sales office(s) located within the "MPCD." The site plan shall be displayed in a prominent location within the office so that it is easily viewable by the public. In addition copies of the site plan shall be made available to members of the public upon request. This requirement shall continue until all single-family residential property within the "MPCD" is developed.

(p) Rights Granted or Recognized by V.T.C.A. Local Government Code Ch. 245 and Ordinance No. 86715 Shall Benefit an Approved "MPCD."

- (1) It is hereby found and determined that V.T.C.A. Local Government Code Ch. 245 and City of San Antonio Ordinance No. 86715, passed and approved September 25, 1997 are applicable to an "MPCD" site plan which complies with this section. An "MPCD" site plan shall enjoy the protection afforded by the aforementioned provisions of state and municipal law any exception in such laws to zoning notwithstanding.
- (2) In each instance when an "MPCD" site plan obtains final approval from city council the director of planning and development services shall change the zoning records and maps in accordance with the provisions of the ordinance approving a master plan community.
- (3) Thereafter, staff review of subdivision plat applications, building permit applications or other permit applications necessary for the development of the "MPCD" shall be reviewed in context of the "MPCD" site plan. Should there be a conflict between the requirements of the City Code (excluding the city building code) and the particular "MPCD" site plan as to landscaping, buffering, open space or any other matter addressed in the "MPCD" site plans, the "MPCD" site plan shall control.

(Ord. No. 95236 § 1) (Ord. No. 98697 § 1, 4 and 6) (Ord. No. 2008-04-03-0266, § 2, 4-3-08) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15)
