



UDC Amendment Request Application for External Parties
(neighborhoods, external agencies, stakeholders, etc.)

Part 1. Applicant Information

Name: Melissa Bryant Organization (if applicable): San Antonio River Authority
Address: 100 E. Guenther Street, San Antonio, TX 78204
Phone: 210-302-3611 Email: mbryant@sara-tx.org
Signature: *Melissa Bryant* Date: 1/28/22
(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)

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 will be an update to the UDC for a water quality protection area in the West Side Creeks to include Martinez Creek, Zarzamora Creek, Alazan Creek, Apache Creek, and San Pedro Creek. This protection area would ensure adequate treatment of storm water runoff that may potentially adversely affect the water quality in the West Side Creeks.

UDC 2021 Proposed Amendment

Amendment 19-1**Applicant: San Antonio River Authority****Amendment Title** – ‘Sec. 35-399.07 – West Side Creeks Water Quality Protection Area .’**Amendment Language:****Sec. 35-399.07. - West Side Creeks Water Quality Protection Area.**

- (a) **Abrogation and Greater Restrictions.** This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the language of this division conflicts with language used elsewhere in this chapter, that which imposes the more stringent restrictions shall prevail.
- (b) **Purpose.** The West Side Creeks Water Quality (WSC WQ) Protection Area has been established for locations along the Martinez Creek, Zarzamora Creek, Alazan Creek, San Pedro Creek and Apache Creek, collectively, the “West Side Creeks” as identified in the map attached as _____. In the mandatory WSC WQ Protection Area, water run-off from some land uses may be hazardous to the water quality of the West Side Creeks and its ecosystem. Thus, the Protection Area is designed to ensure adequate treatment of storm water runoff that may potentially produce toxic, corrosive, polluted, poisonous, radioactive, unpalatable, or otherwise dangerous substances injurious to the public health or which could otherwise adversely affect the water quality or supply, and thereby minimizing the risk of potential occurrences wherein such substances could enter the water of the West Side Creeks.

The WSC WQ Protection Area further seeks to:

- (i) prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development;
 - (ii) Maintain the natural habitat of the West Side Creeks, access to its trails and provide safety for its users; and
 - (iii) Ensure that development near the creek is compatible with a future vision of a series of mixed-use neighborhoods with commercial and residential nodes that orient to the West Side Creeks and/or stimulate redevelopment of existing commercial corridors.
- (c) **Boundaries.** The limits of the West Side Creeks Water Quality Protection Area are shown on the City of San Antonio's Official Zoning Map. The boundaries of the Protection Area are determined to be the legal parcel boundaries of any parcel of land that is wholly or partially within 100 ft from the boundary of the San Antonio Capital Improvement Projects Boundary of the West Side Creeks.

Any parcel that is wholly or partially within the boundaries of the Protection Area shall not be removed from the WSC WQ Protection Area through replatting.

- (d) **Protection Area.** The WSC WQ Protection Area is designated as an overlay to all zoning districts. Property located within this area must also be designated as being within the regular zoning districts. Authorized uses must be permitted in both the base zoning district and the Protection Area.

(e) Uses.

- A. **Prohibited Uses.** To protect the water quality of the WSC from operations, production, or storage of hazardous materials that could contribute contaminants to water supply and the West Side Creeks, the following uses are prohibited within the WSC WQ Protection Area:

1. Truck and heavy equipment - auction.
2. Auto - manufacture.
3. Auto and light truck auction.
4. Storage - outside.

5. Batching plant.
6. Stockyard.
7. Used automotive parts recycler.
8. Abrasive manufacturing.
9. Acetylene gas - manufacturing and storage.
10. Hazardous materials hauling or storage.
11. Petro chemicals bulk storage.
12. Metal forging or rolling mill.
13. Packing plant.
14. Petroleum - manufacturing or processing.
15. Poultry processing.
16. Rendering plant.
17. Sand or gravel - storage or sales.
18. Vulcanizing, recapping.
19. Wood processing by creosoting or other preservation treatment.
20. Commercial surface parking lots as primary use.
21. Construction staging area.
22. Gas stations
23. Parking and transient vehicle storage - related to delivery.
24. Parking and/or storage - long term.
25. Tire repair - auto and small truck.
26. Truck repair and maintenance.
27. Truck stop or laundry.
28. Can recycle collection station.

B. Nonconforming Uses. Any use prohibited by section A which is existing on the effective date of the ordinance from which this chapter is derived may continue so long as the conditions herein are met. Prohibited Uses at the time of the adoption of this Section are exempt from the prohibition, for so long as that land use is continuous, is not subject to any other limitation listed under Section 35-702, et. al of the UDC. This exemption terminates if the property is redeveloped, or any other limitation listed under Sections 35-702 to 35-707 becomes applicable. Redevelopment is defined in Appendix H of the UDC. All single-family residential lots are exempt from the LID requirements in accordance with 35-###.

(f) San Antonio River Authority Consultation. Consultation with the San Antonio River Authority is required regarding direct access, landscaping and maintenance boundaries; and storm water control measures prior to storm water permit approvals or plat approval, to allow for review and comment by the River Authority for properties that fall within the WSC WQ Protection Area. This section shall apply to newly developed and redeveloped properties.

A. Coordination with the River Authority shall include a binding commitment letter signed by the property owner and the River Authority specifying the property owner's commitment to coordinate regarding access to the West Side Creeks, landscape and maintenance boundaries, and storm water control matters when applying for stormwater and drainage permit.

B. Access to the West Side Creeks within the WSC WQ Protection Area shall comply with the following:

- (i) Property owners shall provide plans for review by the River Authority when proposing to construct any tie-in points to the West Side Creeks project trail, and such plans shall show materials and grading for review
- (ii) Removal of existing park trail hardscape shall require the River Authority approval.
- (iii) Development shall make it clear for users of the park to discern public access points from private access points.
- (iv) If during construction the park trail must be temporarily closed, an alternative engineered route shall be identified and temporary signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) provided and maintained for the duration of the project.
- (v) Acceptance of park trail access point(s) shall be the responsibility of the River Authority.

C. Landscaping and maintenance boundaries shall be recorded under the notice to the title and are defined in accordance with a final maintenance agreement (the "Maintenance Agreement") entered between the developer/property owner and the City of San Antonio. The maintenance agreement will set out the respective rights and responsibilities of the parties and an executed copy will be provided to the River Authority upon request. The purpose of the maintenance agreement is to protect the public investment that has been made in the WSC WQ Protection Area. The

maintenance agreement will be designed to maintain the function of the hydrology, ecological restoration and storm water run-off mitigation in keeping with this chapter and shall generally conform to best management practices as documented in Appendix E Recommended Plant List and section 35-210 of this chapter.

- D. In the WSC WQ Protection Area, developments shall be processed in accordance with LID/NCDP use patterns, requiring an LID/NCDP plan, as specified in UDC 35-210. Developments shall manage site storm water through LID components consistent with section 35-210 of this chapter and shall also comply with the following:

- (i) Storm water runoff shall pass to the creek through discharge pipes or outfalls that are below water level or normal depth or through an approved LID feature. Overland flow onto public land is discouraged and shall be reviewed on a case-by-case basis. Overland flow onto public land requires approval of the public land property owner. Existing concrete chutes are considered as overland flow and consultation and concurrence of the River Authority is required where a USACE 408 permit is needed. Modification of this subsection shall require approval by the River Authority and the director of public works, or their designee.
- (ii) Open concrete chutes shall be prohibited.
- (iii) Installations and/or modifications of drainage outfalls require consultation with the River Authority.
- (iv) Runoff from swimming pools or other non-storm water producing sources shall be treated prior to discharging into the creek.
- (v) The Stormwater Pollution Prevention Plan (SWP3) on development/redevelopments within the WSC WQ Protection Area must be maintained onsite in accordance with Sec. 34-853 and made readily available for review by SAWS upon request, a copy of which must be provided to the River Authority.
- (vi) New and replacement storm drain inlets that tie directly into the WSC require storm water mitigation practices and consultation with the River Authority.
- (vii) Runoff from potentially acute sources of pollutants, such as dog parks, dumpster pads, and oil/grease containers shall be treated for total suspended solids (TSS), pathogens, oil/grease, and heavy metals appropriate for the pollutant source prior to discharging into the river or creek, or prior to discharging into a storm drainage system.
- (viii) Where the project ties into the WSC access, slopes shall be graded at a stable angle not to exceed four to one (4:1) and plant material that will stabilize the soil shall be used such as vigorous ground covers, vines or turf planting that are native and noninvasive species as found in San Antonio River Basin Low Impact Development Technical Design Guidance Manual Plant List. Terraced walls shall be installed when there is a slope of more than four to one (4:1).
- (ix) To enhance on-site storm water mitigation through use of open space, saw-tooth curbs and gutter shall be used along the street edge of open space at the time of improving a parcel.
- (x) LID components for managing site stormwater may be constructed in the adjacent public street ROW in accordance with 35-###(i) Off-Site Treatment below.

- (g) **Creekside Setbacks.** Creekside setbacks from top of bank for both buildings and accessory structures are established to reinforce storm water control within the WSC WQ Protection Area. Refer to sec. 35-210(i) on stream network buffering. For developments where setback requirements exceed 10% of the total area of the individual lot, a reduced setback of minimum 25ft from top of bank is required. Stormwater BMP footprints are allowed within the setback areas.

- (h) **Landscape Best Management Practices for Water Quality.** Ecological restoration is essential to the water quality mitigation of storm water runoff in the WSC WQ Protection Area. These standards apply to landscaping within an individual site. Additional standards follow that provide more specific standards for the public pathway along the creek and street edges.

- A. **Provide Variety of Plant Species in Landscape.** To enhance mitigation of storm water runoff, provide ecological variety in the landscape plantings along the creek by including a variety of species compatible with site conditions for long-term resiliency and stability.
- B. **Planting Requirements in Open Space Abutting the Creek.** On publicly owned land leased by the adjoining property owner, if applicable, and/or within privately owned setbacks adjacent to the creek, a minimum sixty (60) percentage of the open space, excluding building footprint, lease space under bridges and parking requirements is required.

- (i) Planting requirements in WSC WQ Protection Area should continue the restoration landscape efforts along the creek banks.
- C. **Plant Materials.** Several soil conditions converge along the West Side Creeks area to create unique vegetation ecosystems that mitigate storm water runoff. Soil conditions vary greatly along these waterways and therefore native and indigenous plants will vary accordingly. Landscaping should reflect the unique soil characteristics of the specific site.
 - (i) **Incorporate Existing Native Vegetation.** Extend the use of native landscape materials, including plants, shrubs and trees that are used in the public areas of the creek onto adjacent private areas to extend ecological mitigation of storm water runoff.
 - (ii) Use indigenous and noninvasive species characteristic of the specific site as found on the permissible plant list maintained by the parks and recreation department or the Unified Development Code Plant List found in San Antonio River Basin Low Impact Development Technical Design Guidance Manual Plant List
 - (iii) **Install Trees to Provide Shade.** To mitigate storm water thermal pollution, install street trees along the property line or in the ROW abutting all streets according to minimum requirement standards established in subsection 35-512(b), and consider incorporating storm water bump-outs where feasible.
- (i) **Offsite Treatment.** The director of the Public Works or his designee may, on a case-by-case basis, approve treatment of offsite runoff instead of or in combination with onsite runoff. In this case, the design rainfall depth is increased by 10% for all offsite runoff. Public Works may require that some onsite runoff is treated, especially if there are potentially acute sources of pollutants (dog parks, dumpster pads, etc.). Concurrence of the River Authority is required for neighborhood scale water quality mitigation projects through developer agreements.
- (j) **Top of bank.** "The "top of bank" is defined as a change in gradient and has been mapped by the River Authority. Contact the River Authority for a verification of the "top of bank."

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***** Recommended Approval by PCTAC on April 11, 2022 *****

Amendment 19-1

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