

# UDC 2021

## UNIFIED DEVELOPMENT CODE AMENDMENT PROCESS

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City Council – Item 4  
November 3, 2022



**DEVELOPMENT  
SERVICES**

Presented by: Michael Shannon, PE, CBO - Director

# Unified Development Code



- Paused in 2020 due to pandemic
- Ch. 35 of City Code
- Current adopted in 2001
- Implements City's policies on:
  - Comprehensive plan
  - Master Plan
  - SA Tomorrow
  - SA Climate Action Plan
  - Major Thoroughfare Plan
  - Strategic Housing Implementation Plan



# ***Unified Development Code***

- Includes development regulations for:
  - Subdivision platting
  - Zoning (base, overlays, etc.)
  - Short term rentals
  - Affordable housing
  - Accessory dwelling units
  - Home occupation
  - Street and storm water design standards
  - Historic preservation
  - Protection of natural resources
  - Trees, aquifer, etc.



# UDC Amendment Process

- Every 5 years (per code)
- Reasons to amend:
  - Workability and administrative efficiency
  - Eliminate unnecessary development costs
    - Includes cost impact review
  - To reflect changes in:
    - Law
    - State of the art standards in land use planning and urban design
- Can be initiated by:
  - City staff
  - Zoning commission
  - Planning commission
  - Board of Adjustment
  - Historic Design & Review Commission
  - External parties
    - Neighborhoods, businesses, etc.
  - City Council

# UDC Amendment *Process*

- Amendments fall in one of the following:
  - **Edits** - no impact to intent of provision
  - **Clarification** – provide ease of interpretation and understanding
    - Do not alter intent or meaning of existing provisions
  - **Rule Interpretation Determinations (RIDs)** – written policies on items not fully covered in UDC
    - DSD director, Historic Preservation Officer (OHP director), and Planning director
- Planning Commission may choose to sponsor amendments not meeting 3 criterion





# UDC Amendment Process

- 2021 process was:
  - Open to public (livestreamed)
  - Transparent
  - Extensive community engagement
- Planning Commission Technical Advisory Committee (PCTAC)
  - Revised in 2021 to expand membership

April 11, 2022



Planning Commission and Technical Advisory Committee  
[WWW.SANANTONIO.GOV](http://WWW.SANANTONIO.GOV)

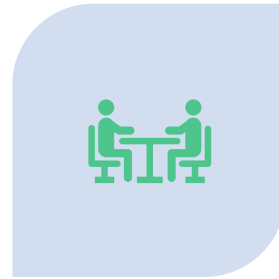
# **UDC Amendment Engagement**



COMMUNITY



DSD ACADEMY



PCTAC



BOARD &  
COMMISSION WORK  
SESSIONS



BOARD &  
COMMISSION  
MEETINGS

**2,854**

staff & volunteer  
hours

**64**

meetings

**171**

meeting hours

# Timeline Check





# Infrastructure & Affordable Housing

## Infrastructure

- Expands area Public Works will study for stormwater impacts for future developments

## Affordable Housing

- Creates flexibility for accessory dwelling unit regulations
- Ensures infill developments are more compatible with neighborhoods
- Lowers height limits for R-1 & R-2 zoning districts
- Limits to one structure residential-mixed & multi-family development on smaller lots



# ***Sustainability & Transportation***

## **Environmental Sustainability**

- Changes color regulations for lighting in Military Lighting Overlay District (yellow instead of blue tones)
- Updates UDC to reflect Council-approved Sustainability Plan goals
- Provides alternatives for urban farms to avoid unnecessary costs

## **Transportation**

- More design flexibility in street layout that incorporate mixed-use paths, bike lanes, and a more pedestrian friendly streetscape



# Engagement & Administrative Efficiency

## Community Engagement

- Expands outreach to registered community organizations
- Requires an applicant to meet, or attempt to meet, with Neighborhood Association before submitting a change of zoning application

## Administrative Efficiency

- Clarifies definition of a half-story
- Updates regulations related to parking of oversized vehicles





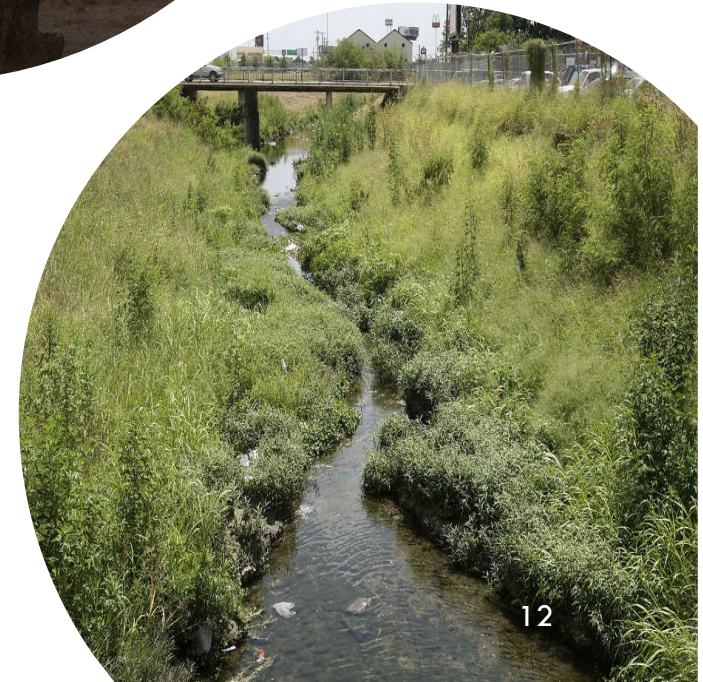
# Zoning *Overlays*

## Mission Protection

- Expands Mission Protection Overlay District to enhance protections near the San Antonio Missions

## Westside Creeks Water Quality

- Establishes protection area to ensure adequate treatment of storm water runoff that may adversely affect water quality



# **Cost** *Impacts*



- External amendments were not required to show cost impact

## **NO IMPACT**

- 147 amendments
- 90%

## **INCREASE COST**

- 9 amendments
- 5%

## **DECREASE COST**

- 8 amendments
- 5%



# Cost *Increases*

AMENDMENT NUMBER	APPLICANT	AMENDMENT SUMMARY	COST INCREASE
5-35	DSD	Requires residential-mixed (RM) developments consisting of multiple units be built in one structure	\$5-\$12 per sq. ft.
10-2	Zoning Commission	Related to major amendments to IDZ-1, IDZ-2, and IDZ-3 to allow flexibility in site design. Costs are applied only if an applicant amends an approved site plan.	\$842-\$12,190 (Application cost based on acreage)
24-3	Transportation	Widens pavement width of certain street classifications.	\$29 per linear foot/on Right-of-Way
7-21	Public Works	Related to shear stress calculations as referenced from the TxDOT Hydraulic Design Manual.	\$2,000
27-22	Public Works	Related to requiring an energy dissipation check at junctions.	\$300
27-25	Public Works	Related to design guidelines for extended detention basins.	1%
27-26	Public Works	Related to requiring a screening on underground detention structures.	0.5%
27-29	Public Works	Related to requiring an adequate drainage capacity check when two average lots drain onto one single residential lot	\$500
27-36	Public Works	Related to requiring a Letter of Map Change (LOMC) to meet FEMA's minimum standards.	\$35,000-\$50,000

# Cost Decreases

AMENDMENT NUMBER	APPLICANT	AMENDMENT SUMMARY	COST DECREASE
5-10	DSD	Related to traffic circulations study to only be required for permanent additions.	\$7,900
5-23	DSD	Related to allowing one operation beauty/barbershops by right.	\$400
5-33	DSD	Related to removing “concession facilities” from Plat Exceptions section.	\$5,000-\$20,000
23-1	NHSD	Related to cross-section and construction standards.	\$2,000 per 50 ft. lot
23-3	NHSD	Related to parkland dedication requirements.	Depends on size
23-6	NHSD	Related to accessory dwelling units.	\$1,500
27-9	Public Works	Related to rational method to calculating detention volume for small sites.	1%
27-12	Public Works	Related to pavement classifications or runoff coefficient.	0.5%

# Board & Commissions

## *Final Actions*



	Amendments Reviewed	Approved	Approved w/ Edits	Denied	Withdrawn
<b>PCTAC</b>	234	110	83	5	33
<b>Zoning Commission</b>	62	54	6	1	1
<b>Board of Adjustments</b>	11	9	2	0	0
<b>Historic &amp; Design Review Commission</b>	21	19	2	0	0
<b>Planning Commission</b>	196	179	14	2	1

# Amendments *Summary*



- **193** UDC amendments
  - 191 amendments were approved or approved with edits
  - 2 denied amendments
    - Neighborhood association registration
    - Qualified transitional housing
- **38** withdrawals, including 3 since boards and commission meetings
  - Proposal to require private parkland to be open to public
  - Clarifying withdrawals of zoning applications
  - Re-platting without vacating a preceding plat

# Closer Look at *Internal Amendments*

SUBMITTED BY	SUBMITTED	APPROVED OR APPROVED WITH EDITS	DENIED	WITHDRAWN	PERCENTAGE APPROVED
Development Services	57	54	0	3	96
Planning	28	14	0	14	50
Neighborhood and Housing Services	7	5	1	1	71
Public Works (Stormwater)	44	44	0	0	100
Disability Access Office	2	2	0	0	100
City Attorney's Office	1	1	0	0	100
Solid Waste Management	3	3	0	0	100
Sustainability	8	8	0	0	100
Transportation	3	3	0	0	100
Parks and Recreation	2	2	0	0	100
San Antonio Water Systems	4	3	0	1	75
CPS Energy	4	1	0	3	25
Office of Historic Preservation	18	18	0	0	100
San Antonio Planning Commission	2	2	0	0	100
San Antonio Zoning Commission	5	4	1	1	80
San Antonio Board of Adjustment	3	3	0	0	100



# **Closer Look at** *External Amendments*

SUBMITTED BY	SUBMITTED	APPROVED OR APPROVED WITH EDITS	DENIED	WITHDRAWN	PERCENTAGE APPROVED
Food Policy Council	7	7	0	0	100
Greater Edwards Aquifer Alliance	9	4	0	55	44
Justin Krobot	1	0	0	1	0
Joint Base San Antonio	1	0	0	1	0
John Gonzales	2	0	2*	0	0
Mission San Jose Neighborhood Association	2	1	0	1	50
David Littlefield	1	0	1	0	0
James McKnight	1	1	0	0	100
Dawn Davies	1	1	0	0	100
Government Hill Community Association	1	0	1	0	0
Tier 1 Neighborhood Coalition	13	8	0	5	62
San Antonio River Authority	1	1	0	0	100
Steve Versteeg	2	0	1*	1	0
D'Ette Cole	1	1	0	0	100

\* NOT Sponsored by Planning Commission

# Amendment *Highlights* |



- Accessory dwelling units (ADUs)
  - Housing Commission
- Registered community organizations
  - Tier One Neighborhood Coalition

# Accessory *Dwelling Units*



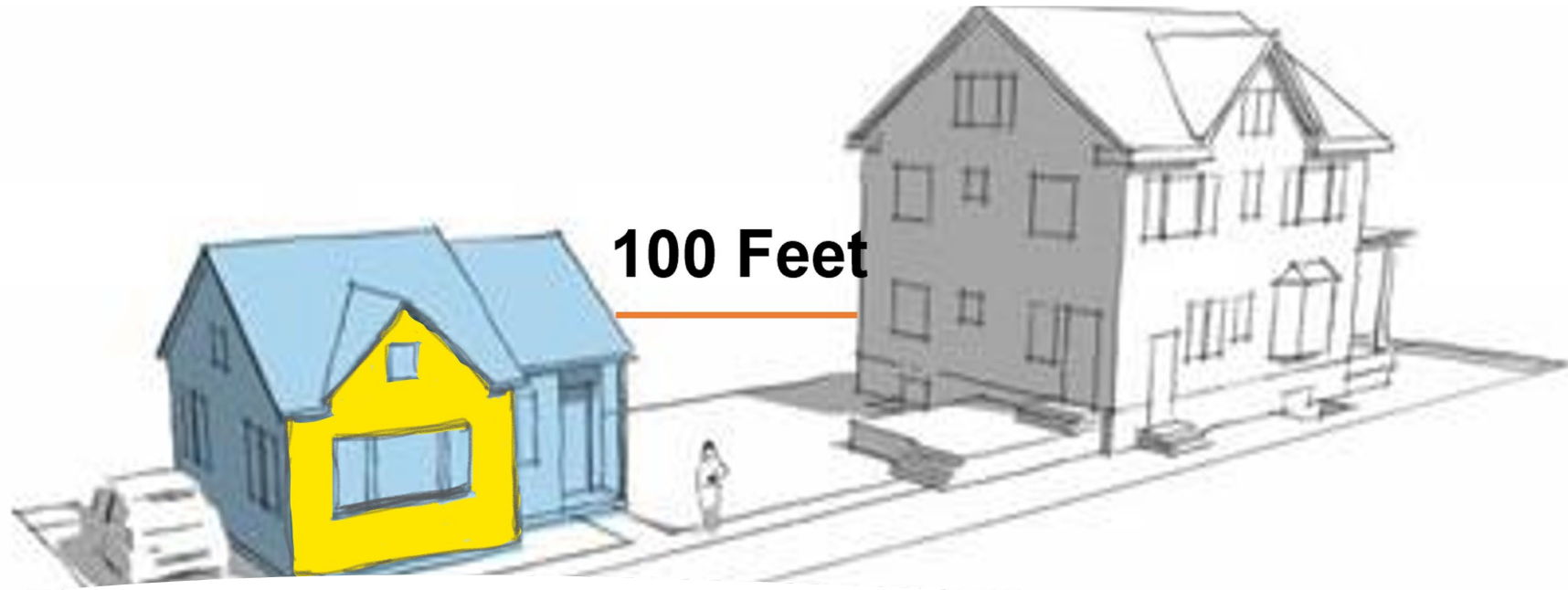
## CURRENT

- **Owner Occupancy Required**
- Must share utilities of main house
- One bedroom maximum
- 40% size of main house, max 800 square feet
- Same max height as base zone
- No required parking
- 5-foot side setback

## PROPOSED (AMENDMENT 23-6)

- **Owner Occupancy Required**
- **Allows option of separate utilities**
- **No bedroom restriction**, must meet building codes
- **50%** size of main house, max **1,600** square feet
- **Max 2-story**
- **One parking space if over 800 square feet**
- **Allows 3-foot side setback**, will require additional fire-rating
- **Clarifies ADU must comply with Short Term Rental ordinance**

- ADUs must comply with the following (regardless of proposed amendments):
  - Owner occupancy requirement
  - Short Term Rental Ordinance



# Accessory Dwelling Units

## Current Process

- Property owner **must** reside on-site for an ADU permit (UDC requirement)
  - Must submit an **affidavit** as part of the permit package
  - Affidavit must be **recorded** in the County records
- Separate meters allowed **only** if ADU is more than 100 ft. from primary house



## FORMAL APPLICATION FOR ACCESSORY DWELLING

This form must be signed, notarized, and recorded at the Bexar County Clerks Office Records Division located at 101 W. Nueva St., Suite 103, San Antonio, Texas 78205. Fees will apply. Please call 210-335-2581 for hours and fee amounts.

[Print or Type](#)

Date of Application \_\_\_\_\_

Name of Property Owner \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Location of property where dwelling is requested, described according to the subdivision plat filed at the Bexar County Clerks Office Records Division, 101 W. Nueva St., Suite 103, San Antonio Texas 78205.

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ NCB \_\_\_\_\_

Address of subject property \_\_\_\_\_

Are there deed restrictions that would prohibit an accessory dwelling use? ☐ Yes ☐ No

Proof of residency? (attach copy) ☐ Voter registration ☐ Vehicle registration ☐ Driver's license  
☐ Other: \_\_\_\_\_

Covenants attached? ☐ Yes ☐ No (application may not be processed without recorded covenants)

The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the Accessory Dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the Accessory Dwelling. The applicant shall provide a covenant suitable for recording with the County Recorder, providing notice to future owners or long term leasers of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.

I, \_\_\_\_\_, do solemnly affirm that I am the property owner of the above referenced address and that I occupy either the main residence or the accessory dwelling.

\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary public signature

# Accessory Dwelling Unit Enforcement

- Permit application:
  - Applicant required to show proof affidavit acknowledging owner-occupancy requirement was recorded at County
  - ADU is a standalone permit in BuildSA
  - Allows DSD staff to report and track permits issued since Nov. 2020
- Issued permits on OpenGov
- DSD will continue to Monitor permits issued and complaints related to:
  - Short Term Rentals ordinance
  - Owner occupancy requirement






# Community Engagement **on** ADUs |

- Aug. 2019 to Feb. 2020 - 9 public meetings to create amendments for ADUs
  - Working group now subcommittee of Housing Commission
- Nov. to Dec. 2021 - 4 subcommittee meetings (open to public)
- Dec. 20, 2021 to Jan. 14, 2022 - SASpeakUp survey by Housing Commission with unanimous support Jan. 2022
- Jan 5, 2022 - Formal public meeting (virtual and in-person)
  - Spanish and ASL interpretation
  - Recorded and posted online
  - 118 responses received (all in favor)

# Strategic Housing *Implementation Plan*

SECTION	GOAL	PROPOSED AMENDMENTS
Housing production, rehabilitation, and preservation	Increase number of ADUs for use as affordable housing	Removes obstacles to the development of Accessory Dwelling Units (ADUs) (23-6)
Coordinated Housing System	Update UDC to remove barriers to affordable housing	Reduces cost of development for affordable housing developments under 20,000 sq. ft. by adding them to exemptions for street improvements list (23-1)
 Strategic Housing Implementation Plan		If the site is within 10 min. walk of existing public park, development not required to include park land (23-3)
		Updates definition of affordability to align with the Strategic Housing Implementation Plan (2 amendments) (23-4)



# ***Notification to Community Organizations***

- Communication tool for city
- Currently 53 registered organizations with the City
- Proposed amendment (16-10):
  - Adds groups to be notified
  - Increases amount of required notification
  - Increases outreach and communication

# Notification Requirements

## CURRENT

Notices for zoning, plan amendments, and BOA cases sent to:

- Property owners within 200 feet
- Registered neighborhood associations within 200 feet

## PROPOSED (AMENDMENT 16-10)

Notices for zoning, plan amendments, and BOA cases sent to:

- Property owners within 200 feet
- Registered neighborhood associations within 200 feet
- **Registered community organizations within 200 feet**
  - Community organizations must provide the same information as neighborhood associations to register:
    - Boundary
    - Bylaws (if applicable)
    - Contact information
    - Approximate number of households (if applicable)
  - **Opt-in to receiving notice**

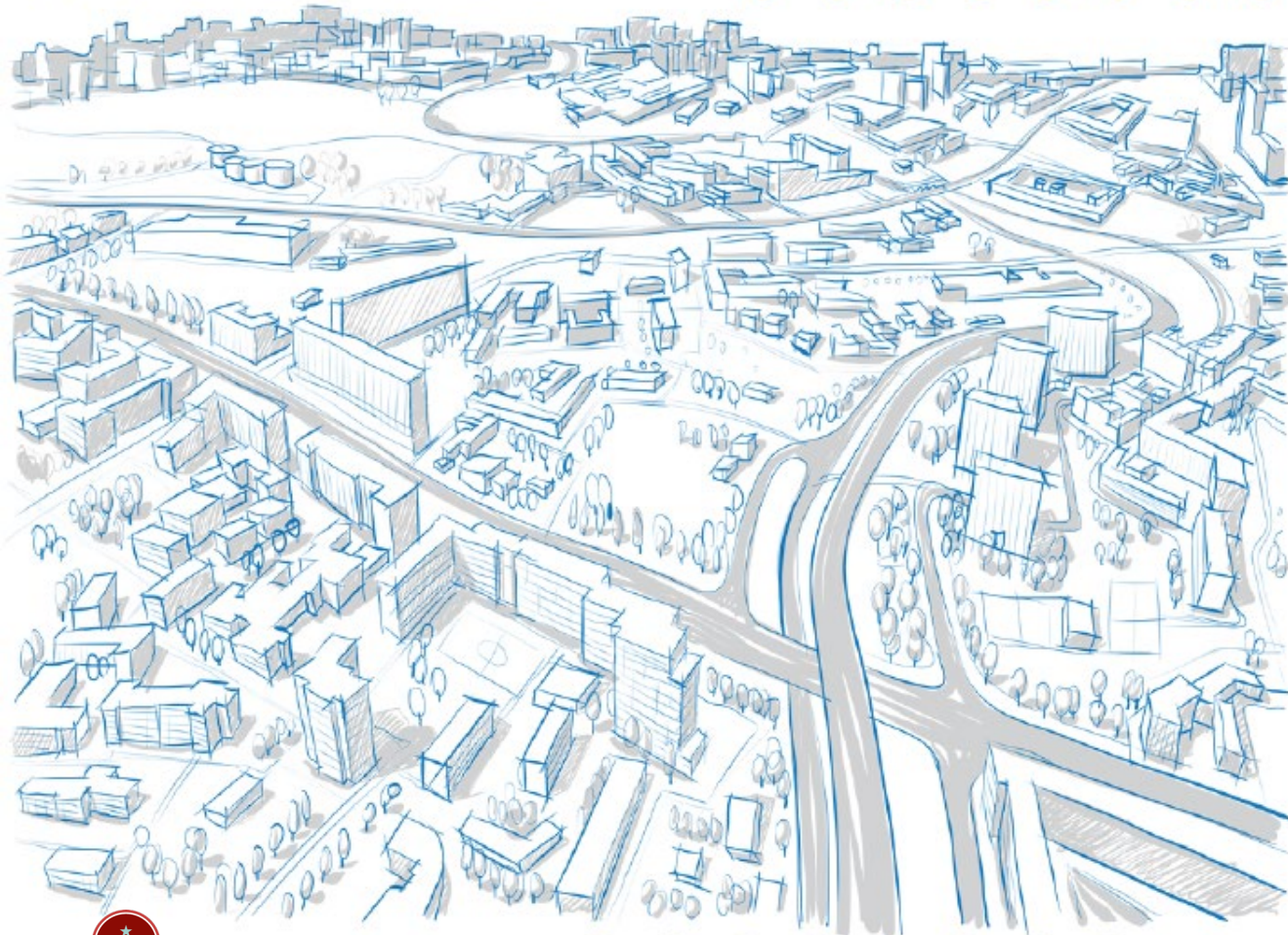
# Recommend **Approval**



*Thank you!*

- **193** UDC amendments
  - 191 recommended for approval
  - 2 recommended for denial
    - Neighborhood association registration
    - Qualified transitional housing
- Through ordinances:
  - Waive UDC amendments until 2027
  - Large area rezoning for Mission Protection Overlay and Westside Creeks Water Quality Protection Area
- Thank you to all who participated in the process





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SERVICES**

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