



## ***UDC Amendment Request Application for Internal Parties*** ***(City of San Antonio Departments)***

### ***Part 1. Applicant Information***

Name: Catherine Hernandez on behalf of BOA Organization (if applicable): Development Services  
Address: 1901 S Alamo St  
Phone: 210-207-5085 Email: catherine.hernandez@sanantonio.gov  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(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)***

Add language allowing the public to have an 8ft fence if "the fence is located in a side or rear yard of a single-family residential property that contains or abuts a single-family residential property that has a below ground swimming pool/hot tub or above ground swimming pool "

Update Figure 2 image to state Section 35-514(c)(2)G instead of Section 35-514(c)(2)F

### Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. \_\_\_\_\_

C. ☐ Will decrease the cost of construction and/or development. \_\_\_\_\_

### Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

This amendment gives the resident the opportunity to have an 8ft fence in the side or rear yard if they have or abut another resident who has one of the amenities listed in Part 4. This amendment is not a new requirement.

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## *UDC 2021 Proposed Amendment*

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**Amendment 9-2****Applicant: Development Services on behalf of Boards of Adjustments****Amendment Title – ‘Sec. 35-514 - Fences.’****Amendment Language**

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**(c) Height Limitation.**

- (1) Except for the provisions in section (b) above no fence shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in subsection (c)(2). The board of adjustment may allow fences of greater height by special exception, subject to section 35-399.04 of this chapter or by variance subject to Section 35-482 if the height of the fence exceeds that height allowances for a special exception. The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:
  - A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or
  - B. The retaining wall is abutting a drainage easement or drainage infrastructure.
- (2) Notwithstanding the provisions of subsection (c)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:
  - A. The ground floor elevation of either the principal dwelling on the property or the principal dwelling on an abutting lot is at least four (4) feet higher than the elevation at the shared lot line; or
  - B. The fence is erected along a side or rear lot line which abuts an alley or a street with a classification other than a local street; or
  - C. The fence is a sound barrier or a security fence for a public or institutional use; or
  - D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
  - E. The fence is located on a side or rear lot line of a single-family, duplex, or mixed-residential use which abuts a multi-family residential, commercial, industrial, or park use.
  - F. The fence is located in a side or rear yard of a single-family residential property that contains a below ground swimming pool/hot tub or above ground swimming pool in the rear yard or in the side or rear yard of a single-family property that abuts one with a below ground swimming pool/hot tub or above ground swimming pool.
  - G. F. In any side or rear yard where a slope is present, the height of a fence may be adjusted to allow the top of the fence to be level, and perpendicular to the support posts at a height greater than six (6) feet, provided that the height of the fence at the highest elevation does not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence higher than six (6) feet is allowed by this subsection, all side and rear yard fences may be allowed up to eight (8) feet in height above grade.

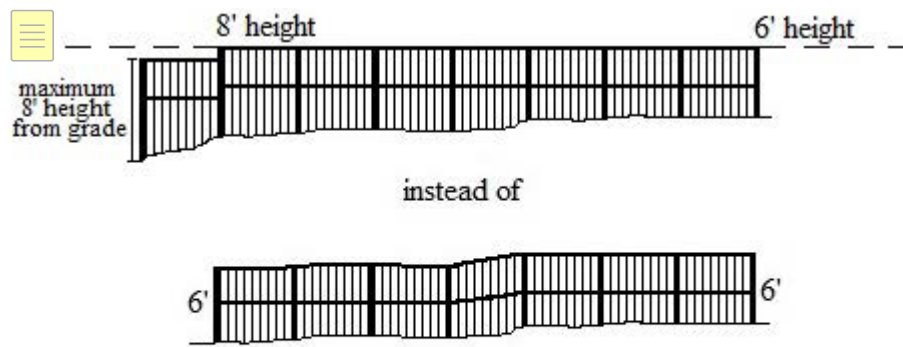


Figure 2: Example of Additional Height allowed pursuant to Section 35-514(c)(2)F.

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