



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

Part 1. Applicant Information

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(Include title if representing a governmental agency or public/private organization) Date: 2022.02.01 09:19:46 -06'00'

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)

Appendix F, Section 35-F-124 amendments are intended to provide some clarity to existing provisions as well as providing guidance for government funded Capital Improvement Projects (CIP) that would prevent future variances. The proposed amendments also provides allowances for private development projects where the current code was very restrictive. There is some general restructuring of the existing provisions as well.

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.

Section 35-F124 will not impact the cost of construction or development. Rather, the proposed amendments will provide some allowances to the development community where the code was more restrictive.

This section also provides guidance for federally funded CIP projects that have a flood control component to it so as to avoid unnecessary variances.

UDC 2021 Proposed Amendment

Amendment 27-32**Applicant: Public Works****Amendment Title** – ‘Sec. 35-F124. – Allowable Development Within the Regulatory Floodplain.’**Amendment Language:**

This ordinance shall only apply to areas of special flood hazard within the jurisdiction of the city and where applicable in its area of extraterritorial jurisdiction.

- (a) Reserved.
- (b) Reserved.
- (c) An increase in water surface elevation is permitted solely when all the following conditions are met:
 - 1. Property owner owns both sides of the floodplain and the increase in the regulatory floodplain is contained in a dedicated drainage easement or right-of-way, and.
 - 2. ~~The increase in the regulatory floodplain is contained in a dedicated drainage easement or right-of-way as required per subsection 35-504(d)(3).~~
 - 2. ~~3.~~ Increase in water surface elevation for the effective and regulatory ~~4%~~ annual chance floodplains ~~does~~ not exceed six (6) inches.
 - 3. ~~4.~~ No increase in water surface elevations or velocities upstream and downstream outside of the owner's property limits. (Reference 35-F124 (e) below)
 - 4. For Capital Improvement Projects, rises in water surface elevations and velocities within the studied reach will be permitted if items (c) (1) and (3) above are met.
- (d) Account for increase in discharge due to loss of storage in all reclamation analyses.
- (e) Demonstrate that the development will not increase the effective and regulatory ~~4% annual chance~~ floodplain velocities above six (6) fps. No increase in velocity will be permitted if predevelopment velocities in the floodplain exceed six (6) fps unless proven that the existing channel/creek is stable (i.e., rocky bottom channel/creek, concrete lined channels, or armored channel in good condition) and no signs of erosion or scour are occurring in predevelopment conditions.
- (f) The following development may be allowed in the effective and regulatory floodplain ~~4% annual chance~~ and will require a floodplain development permit (see section 35-B106 for permit requirements):
 - (1) All-weather street crossings that meet the requirements of subsection 35-H4.8 ~~35-504(g)(7).~~
 - (2) Utility construction to include sub-surface utilities that meet the requirements of 35-H9.3.16.
 - (3) Parks.
 - (4) Greenways.
 - (5) Recreational facilities and golf courses.
 - (6) Hike and bike trails.
 - (7) Drainage improvements that mitigate existing or anticipated flood hazards.

- (8) Publically funded capital improvement projects that reduce flooding to protect the publicsafety.
- (9) Maintenance activities necessary to maintain the stormwater conveyance of the floodplain.
- (10) Drainage infrastructure repair.
- (11) Floodplain restoration.
- (12) Wetland reestablishment, mitigation, or environmentally friendly design criteria (i.e. Natural channel design, Low-Impact Development, etc., set forth by the San Antonio River Authority and/or U.S. Army Corps of Engineers).
- (13) Habitat re-establishment.
- (14) Installation of flood monitoring controls - rain gages, early flood warning systems, high water detection systems, etc.
- (15) Installations of emergency devices necessary to warn alarm and protect citizens at flood hazards.
- (16) Improvements to a structure that do not fall under the definition of substantial improvement.
- (17) Elevating and/or floodproofing structures in the floodplain.
- (18) Parking lot construction where water depths do not exceed six (6) inches within parking stalls during a regulatory 1% annual chance storm event. Water depths within drive lanes may exceed 6" if depth and velocity are within the "Proceed with Caution" zone shown in Chapter 35, Appendix H, Figure 4.3.1C during a regulatory 1% annual chance storm event, or if the flooded drive lane does not prevent ingress/egress from the site (reference Appendix H, Chapter 6).
- (19) Historic structure reconstruction, rehabilitation or restoration.
- (20) Development in the low risk flood area, as defined by appendix A or subject to the requirements of section 35-F145.
- (21) Floodplain Reclamation is allowed as follows.
 - A. Effective floodplain reclamation where the watershed drainage area is less than three hundred twenty (320) acres when the floodplain storage volume lost due to fill is offset by comparable excavation within the same floodplain (see subsections 35-F124(d) and 35-F124(f)(26). In addition, all federal, state, or local permits shall be obtained, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 (see subsections 35-F122 (a)(3)).
 - B. Effective floodplain reclamation in areas of ineffective flow where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain. (See subsections 35-F124(d) and 35-124(f)(26).)
 - C. Effective floodplain reclamation in overbank areas subject to extensive shallow (0'—3') flooding where velocities in the overbank area are less than three (3) fps and where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain (see subsections 35-F124(d) and 35-F124(f)(26).) If fill in the overbank areas is more than three (3) feet, engineered slope stability calculations are required.
 - D. Reclamation between the effective floodplain and the regulatory floodplain.

- (22) Floodplain Administrator may waive compensatory excavation requirements if the proposed fill is less than or equal to one tenth (1/10) of an acre-foot (about 160 cubic yards), is in an ineffective flow area or an overbank area, and there is no rise in the regulatory floodway.
- (23) Residential and other habitable construction may only be allowed in accordance with Section F-142(a).
- ~~(18) 1% annual chance floodplain reclamation where the watershed drainage area is less than three hundred twenty (320) acres when the floodplain storage volume lost due to fill is offset by comparable excavation within the same floodplain (see subsections 35-F124(d) and 35-F124(f)(27). In addition, all federal, state, or local permits shall be obtained, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 (see subsections 35-F122 (a)(3)).~~
- ~~(19) Parking lot construction where water depths do not exceed six (6) inches during a future 1% annual chance storm event.~~
- ~~(20) 1% annual chance floodplain reclamation in areas of ineffective flow where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain. (See subsections 35-F124(d) and 35-F124(f)(27).)~~
- ~~(21) 1% annual chance floodplain reclamation in overbank areas subject to extensive shallow (0'—3') flooding where velocities in the overbank area are less than three (3) fps and where floodplain storage volume lost to reclamation is offset by comparable excavation within the same creek floodplain (see subsections 35-F124(d) and 35-F124(f)(27).) Where a maximum amount of fill allowed in the overbank areas is no more than three (3) feet with engineered slope stability calculations.~~
- ~~(22) Historic structure reconstruction, rehabilitation or restoration.~~
- ~~(23) Development in the low risk flood area, as defined by appendix A or subject to the requirements of section 35-F145.~~
- ~~(24) Reclamation between the 1% annual chance floodplain and the regulatory 1% annual chance floodplain.~~
- ~~(25) Reserved.~~
- (24) (26) Nonresidential construction may only be allowed in accordance with Section F-142(b). The following restrictions will be placed on nonresidential construction in the floodplain:
- ~~A. Demonstrate that no alternative sites are available for development within the property that is out of the floodplain.~~
 - ~~B. Meet all the requirements of subsection 35-F142(b), Nonresidential construction.~~
 - ~~C. Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one (1) foot of the regulatory 1% annual chance floodplain.~~
 - ~~D. An increase in water surface elevation may be permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right of way. If all the requirements of 35-F124(c) are met.~~
 - ~~E. Reserved.~~
 - ~~F. Demonstrate that the development will not increase the 1% annual chance floodplain postdevelopment velocities above six (6) fps. No increase in velocity will be permitted if predevelopment velocities exceed six (6) fps.~~

- ~~G. Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.~~
- ~~H. Provide, operate and maintain an early flood warning system for the development. Warning systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended as per floodplain administrator's direction.~~
- ~~I. Complete the Letter of Map Revision process for the development.~~
- ~~J. The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.~~
- ~~K. Other site specific restrictions and/or requirements deemed appropriate by the floodplain administrator.~~

(25) Storage of Materials and Equipment may only be allowed in accordance with Section F- 142(f)

(26) (27) Construction in areas of flood inundation must meet the requirements of section 35- F141, General Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact. Fences, bleachers concession stands, etc. shall generally be modeled in flood studies as full obstructions to estimate the impact of debris on flooding potential.