



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

Part 1. Applicant Information

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Signature: Razi Hosseini Digitally signed by Razi Hosseini
(Include title if representing a governmental agency or public/private organization) Date: 2022.02.01 09:23:36 -06'00' Date: _____

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-142 proposed amendments provides allowances for the development or redevelopment of habitable structures that are currently in the floodplain where the current code prohibited this type of development. The proposed amendments provides clear guidance and requirements that not only meet FEMA's federal minimum standards but also meets the spirit or intent of the City's floodplain higher standards. This section also will provide guidance for accessory detached dwelling units and mixed use structures that are allowed in other sections of the UDC.

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-F142 proposed amendments will provide allowances for the development and redevelopment of habitable structures that are in the floodplain
where the current code prohibited this type of development. The proposed amendments will provide clear guidance and requirements that
not only meet FEMA's minimum standards but also meets the intent of the City's floodplain higher standards.

This section will also provide guidance/requirements for accessory detached dwelling units as well as mixed-use types of development that are
provided in other sections in the UDC. There will not be a cost to the City as we currently do have purview to review these permits and plats
when the owners/developers apply for these types of applications through Development Services Department.

UDC 2021 Proposed Amendment

Amendment 27-39**Applicant: Public Works****Amendment Title** – ‘Sec. 35-F142. – Specific Standards.’**Amendment Language:**

In all areas of special flood hazards where base flood elevation data has been provided in accordance with this ordinance, the following provisions are required:

(a) Residential and Other Habitable Construction.**(1) Work on habitable structures within the FEMA effective and regulatory floodplain may be allowed as follows:**

- A. Rehabilitation, repair, or addition that does not constitute substantial improvement is allowed.**
- B. Rehabilitation, repair, or addition that constitutes a substantial improvement is allowed only if the structure is elevated so that the finished floor is at least one foot (1') above the regulatory floodplain.**
- C. Lateral additions that are not structurally connected to the existing building are allowed if the addition is at least one foot (1') above the regulatory floodplain. The existing building does not have to be elevated in this case.**
- D. An accessory detached dwelling unit (ADU) may be constructed in the effective or regulatory floodplain only if the principal dwelling was constructed outside the floodplain at the time or if the lot was platted prior to the effective date of the current effective (dated September 30, 2010 or later) and regulatory floodplains. The accessory detached dwelling unit must be at least one foot (1') above the regulatory floodplain. Applicant must meet the criteria in subsections (E) through (I) below. Reference Sec. 35-371 for information related to Accessory and Principal Dwellings.**
- E. The Floodplain Administrator may deny a permit for new or substantially improved habitable structures if the project site or vicinity has a history of high-water rescues, repetitive losses, or other historical flooding issues.**
- F. Applicant will be required to submit flood studies confirming that the proposed construction will not cause a rise in the floodplain, grading plans to confirm that adjacent properties will not be impacted, certification that structures can withstand hydrostatic and hydrodynamic forces, and scour analysis as applicable prior to approval of the permit.**
- G. Applicant will submit a pre-construction elevation certificate for any substantial improvement, lateral addition not structurally connected, and/or ADU prior to approval of the permit.**

- H. Applicant will submit a post-construction elevation certificate for any substantial improvement, lateral addition not structurally connected, and/or accessory detached dwelling unit prior to final inspection/certificate of occupancy.
- I. Depending on the proposed design and the building type, the applicant must meet all FEMA requirements related to crawl space, enclosures, openings, etc. Reference the FEMA NFIP Elevation Certificate and Instructions, 2019 Edition or subsequent updates.
- (2) New mixed-use structures (habitable and commercial, parking garage, etc.) may be constructed in the FEMA effective and/or regulatory floodplain under the following conditions:
 - A. When located in the RIO district or on redeveloped property; and
 - B. The lowest finished floor is at least one foot (1') above the regulatory floodplain and/or meets floodproofing requirements per FEMA requirements; and
 - C. Parking garages cannot accept surface flow from outside the structure; and
 - D. All other aspects of this ordinance are met.

~~(1) Construction of habitable structures within the regulatory floodplain (base flood) is not allowed. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated one (1) foot above the regulatory floodplain with the lowest adjacent grade at or above the regulatory floodplain. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this ordinance (reference subsection 35-F132(b)), is satisfied.~~

(b) Nonresidential Construction.

- (1) The following restrictions will be placed on nonresidential, commercial, industrial, and other non-habitable construction in the floodplain:
 - A. Demonstrate that no alternative sites are available for development within the property that is out of the floodplain.
 - B. ~~Structures~~ ~~New construction or substantial improvements of any commercial, industrial or other nonresidential structure~~ shall have either (a) the lowest floor, including basement, elevated to one (1) foot above the regulatory floodplain, (or its energy grade line (EGL), whichever is higher) or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the regulatory floodplain level plus one (1) foot above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - C. Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments, and containments.
 - D. ~~(2)~~ New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater s. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria.

A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

- E. ~~(3)~~ Electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. ~~(4)~~ A registered professional engineer shall submit a certification to the floodplain administrator that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator. The director of public works shall utilize the floodproofing regulations ~~manual~~ prepared by the United States Army Corps of Engineers and/or FEMA as a guide in determining construction requirements.
- G. An increase in water surface elevation may be permitted on the developer's property only if all the requirements of 35-F124(c) are met.
- H. If the subject site does not meet the Unflooded Access criteria per H4.3.1C, a variance to H4.3.1C shall be required. In addition to the variance, the applicant shall be required to 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 Conditional and/or Letter of Map Revision process for the development, if applicable.
- J. The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's property or subject site.
- K. Other site-specific restrictions and/or requirements deemed appropriate by the floodplain administrator.

(c) **Manufactured Homes.**

- (1) Construction/installation of manufactured homes within the regulatory floodplain ~~(base flood)~~ is not allowed.
- (2) Replacement of a manufactured home is only allowed in the floodplain if the previous home was not within the floodplain, if the finished floor of the new home is at least 1' above the regulatory floodplain, if the home is anchored to prevent flotation, and not located in an area of repetitive loss or an area of high-water rescues. Skirting must be breakaway or have proper openings per FEMA guidelines.
- (3) Construction/Installation of manufactured homes must meet all applicable federal regulations and guidelines including those specific to federal loans.

- (d) **Floodways.** Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (3) The placement of any manufactured home is prohibited ~~except in an existing manufactured home park or subdivision.~~

- (f) **Storage of Equipment and/or Materials.** Equipment and/or materials should be stored outside of the FEMA effective floodplain. If equipment and materials are stored within the limits of the floodplain, the following provisions apply:

- (1) A Floodplain Development Permit (FPDP) is required.
- (2) Hazardous materials must be stored at least 1' above the regulatory floodplain (including new permanent propane tanks).
- (3) Non-hazardous materials and equipment must be stored at least 1' above the regulatory floodplain, or stored within a floodproofed building, or must be anchored to prevent flotation from the property during a flood event