



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

Part 1. Applicant Information

Name: Micah Diaz Organization (if applicable): CoSA Planning Department
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Signature: Bridgett White, Director Date: 1/25/2022
(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)

35-310.24 "BIMU" Business/Innovation Mixed-Use District - Creating a new mixed-use zoning district based on the Business/Innovation Mixed-Use comprehensive land use category, to provide additional mixed-use zoning options that can be used to implement the SA Tomorrow Comprehensive Plan and sub-area plan goals.
See attached amendment text.

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 creates a new district that may be requested, but does not change any existing development regulation. The new zoning district may be included in rezoning proposals for the City's Comprehensive Rezoning Program, but will not be proposed against the property owner's consent.

UDC 2021 Proposed Amendment

Amendment 22-8**Applicant: Planning Department****Amendment Title** – ‘35.310.24. – “BIMU” Business/Innovation Mixed-Use District.’**Amendment Language:****STATEMENT OF PURPOSE**

Primary employers are the focus of the BIMU zoning district, with supportive services and housing options that provide important transitions, amenities, and activity nodes. These centers typically require transitional elements to provide compatibility between their specialized activities and supportive services and amenities. Transit, bicycle, and pedestrian facilities along with integrated open and amenity space serves the employment, training, and residential base.

(a) Use Regulations.

- (1) The BIMU zoning district allows all uses permitted by right in the following Base Zoning Districts: RM-4, MF-18, MF-25, O-1.5, O-2, C-2, C-3, L, and I-1 (Sec. 35-311, Tables 311-1 and 311-2). If a use is permitted by right in any of the previously listed zoning districts, it shall be permitted by right in the BIMU zoning district.
- (2) Additional Residential Uses. Accessory Dwellings (Sec. 35-371), Middle Housing and Attached Dwellings (Sec. 35-373), and Mixed-Use Buildings and Live Work Units (Sec. 35-381) are permitted in the BIMU zoning district in accordance with the provisions of each section, and in accordance with the Density standards of the BIMU zoning district.
- (3) Additional Nonresidential Uses. Notwithstanding subsections (1), (4), and (5) the following uses are permitted by right in the BIMU zoning district:
 - Alcohol - Bar And/Or Tavern With Cover Charge 3 or More Days Per Week
 - Alcohol - Beverage Manufacture Or Brewery – Alcohol
 - Alcohol - Nightclub With Cover Charge 3 or More Days Per Week
 - Candle – Manufacturing
 - Food Service Establishment With Cover Charge 3 or More Days Per Week (With or Without Accessory Live Entertainment)
 - Live Entertainment With Cover Charge 3 or More Days Per Week (Not Including Food Service Establishments)
 - Live Entertainment Without Cover Charge 3 or More Days Per Week (Not Including Food Service Establishments)
 - Metal Forging Or Rolling Mill
 - Metal Products – Fabrication
 - Millwork And Wood Products - Manufacturing
 - Transit Station
- (4) Any use that is not permitted by right per subsections (1), (2), or (3), but that is allowed as a Specific Use Authorization in any of the zoning districts listed in subsection (1), may be approved as a Specific Use Authorization in the BIMU zoning district. (Sec. 35-311, Tables 311-1 and 311-2; and Sec. 35-423.)

(b) General Development Standards.(1) Generally.

- A. All standards of Article V shall apply to the BIMU zoning district except and to the extent that the standard is exempted or altered in this section.
- B. City Council may approve additional building height during the rezoning to an BIMU zoning district after considering compatibility with adjacent land uses, provided the height meets the requirements of the current adopted International Building Code. Approved additional building height shall be noted in the zoning ordinance.

(2) Blocks and Streets.

- A. Blocks. Block Length, Block Area, and Average Block Area standards do not apply to the BIMU zoning district.
- B. Streets and Sidewalks. Streets within the BIMU zoning district shall be publicly accessible. Gated streets and gated developments shall not be permitted. Streets and rights-of-way shall conform to the transportation standards of this chapter, except new sidewalks shall provide a minimum six (6) foot wide continuous pedestrian path of travel in addition to any required streetscape planting and planting strips or sidewalk buffer required by Sec. 35-506. Access easements and walking paths are encouraged to create additional vehicular and pedestrian connectivity within developments in the BIMU zoning district.
- C. Connectivity. Connectivity standards of Sec. 35-506 (e) do not apply to the BIMU zoning district.

(3) Lots.

- A. Lot Size. Lots in the BIMU zoning district may be platted without a minimum lot area requirement, provided that detached single-family uses shall have a minimum lot size of one thousand two hundred fifty (1,250) square feet.
- B. Frontage and Orientation.
 - 1. Lots within the BIMU zoning district shall be platted with frontage on a public street. For multifamily, nonresidential, and mixed-use developments, a lot with multiple street frontage must designate at least one (1) primary street frontage. The primary street will be determined based on the following criteria:
 - The street with the highest street classification, or that is more transit/pedestrian active.
 - The established orientation of the block.
 - The street abutting the longest face of the block.
 - The street parallel to an alley within the block.
 - The street from which the lot takes its address.
 - 2. Standards related to primary frontage shall apply to all building facades and yards located along designated primary street frontages, including but not limited to setbacks, articulation, activation, and parking.
- C. Setbacks. Table 310.24-1 applies to any new construction or expansion of an existing structure within the BIMU zoning district.

Table 310.24-1 BIMU Zoning District Building Setbacks

<u>Primary Street Frontage (min ft)</u>	<u>0 ft</u>
<u>Primary Street Frontage (max ft)</u>	<u>NA</u>
<u>Secondary Street Frontage (min ft)</u>	<u>0 ft</u>
<u>Side (single-family detached uses only) (min ft)</u>	<u>5 ft</u>
<u>Rear (min ft)</u>	<u>10 ft</u>

D. Buffers, Landscaping, and Streetscape Planting.

- 1. A Type D bufferyard (Sec. 35-510) shall be required on lots 20,000 square feet and larger where new nonresidential or mixed-use development in the BIMU zoning

district abuts existing single-family uses.

2. Notwithstanding the subsection above, no bufferyard is required for single-family residential uses internal to the BIMU project site, or where the abutting single-family residential use is zoned NMU, UMU, RMU, EFMU, BIMU, MXD, TOD, IDZ, MPCD, ED, or FBZD.
3. A Type A bufferyard (Sec. 35-310) shall be required along adjoining streets where new nonresidential or mixed-use development includes front yard parking, if the adjoining street is classified as a Primary Arterial, Secondary Arterial, or Collector. No other bufferyard is required adjoining streets or other right-of-way within the BIMU zoning districts.
4. The landscaping standards (Sec. 35-511) and streetscape planting standards (Sec. 35-512) shall apply to the BIMU zoning district. Only twenty-five (25) points shall be required under subsection 35-511(e) (elective criteria) for landscaping on lots within the BIMU zoning district, and subsection 35-511(e)(7) shall apply.

(4) Parks and Open Space Designation and Amenities.

- A. Parks and Open Space. Park and Open Space designation is required for new development on lots and project sites 20,000 square feet and larger within the BIMU zoning district, with the minimum amount of parks/open space indicated in Table 310.24-2. Open space shall include yards (for attached and detached one-, two-, three-, and four-family dwelling units, and Middle Housing types only), as well as any parks or open space areas which conform to the standards in Sec. 35-503. The required percentage is calculated based on the gross site area where projects include multiple lots and/or phases. For projects that include both residential and nonresidential uses on separate lots, the required parks/open space shall be calculated by multiplying the open space percentage by the area of each use and adding the products thus obtained. Mixed-Use projects shall include both residential and nonresidential uses within the same building or lot. Required Parks and Open Space area shall be rounded to the nearest square foot. All other provisions of Sec. 35-503 apply.

Table 310.24-2 BIMU Zoning District Parks and Open Space Requirements

<u>Use Type</u>	<u>Required Open Space</u>
<u>Residential</u>	<u>35%</u>
<u>Nonresidential</u>	<u>25%</u>
<u>Mixed-Use</u>	<u>20%</u>

- B. Amenity Ratios. The following park and amenity categories count toward the parks and open space requirements at the ratios indicated in Table 310.24-3. Amenity ratio calculations shall be rounded to the nearest square foot. See Sec. 35-503, Tables 503-4 and 503-5 for descriptions of the space types listed below.

Table 310.24-3 BIMU Zoning District Amenity Ratios

<u>Type of Space</u>	<u>Ratio Counted</u>
<u>Trail or Greenway within the project boundaries</u>	<u>2.0, 5.0 if connected to Citywide trail or greenway system</u>
<u>Natural / Agricultural Area</u>	<u>3.0</u>
<u>Greenbelt</u>	<u>3.0</u>
<u>Playground</u>	<u>1.0</u>
<u>Plaza</u>	<u>3.0</u>
<u>Courtyard</u>	<u>3.0</u>
<u>Forecourt</u>	<u>1.0</u>

Attached Square	3.0
Detached Square	3.0
Green	4.0
Park	2.0
Parkway	1.0
Community Garden	1.0

Example: Table 310.24-2 requires a 1-acre mixed-use development provide a minimum of 8,712 square feet of parks/open space ($43,560 \times 0.2$). If the proposed development includes a 2,904 square foot plaza, the amenity is counted as three (3) times (Table 310.24-3) the space provided ($3 \times 2,904 = 8,712$) and completely fulfils the parks and open space requirement for the development.

Example: For a 1-acre development that includes 21,780 square feet for multifamily uses and 21,780 square feet for a retail center on separate lots, Table 310.24-2 requires 7,623 square feet of parks/open space for the residential use ($21,780 \times 0.35$) and 5,445 square feet of parks/open space for the nonresidential use ($21,780 \times 0.25$), for a total of 13,068 square feet of parks/open space. If the proposed development includes a 4,356 square foot plaza, the amenity is counted as three (3) times (Table 310.24-3) the space provided ($3 \times 4,356 = 13,068$) and completely fulfils the parks and open space requirement for the development.

(5) Density.

- A. Maximum density in the BIMU zoning district shall not exceed twenty-five (25) dwelling units per acre, as an indication of gross density for all residential uses per acre. The maximum density shall apply to both residential and mixed-use developments.
- B. Phased projects requiring a master development plan per sec. 35-412 may allow the clustering of residential units in a manner that exceeds the maximum density on a particular lot or phase, as long as the maximum density is not exceeded for the overall project site.

(6) Building Massing, Articulation, and Activation.

- A. Table 310.24-4 applies to any new construction or expansion of an existing structure within the BIMU zoning district. Vertical plane break spacing and entrance spacing standards shall apply to multifamily, nonresidential, and mixed-use structures only. Vertical plane break spacing is measured as horizontal distance, and the vertical plane break feature must extend at least twelve (12) inches out from or into the façade and extend from the lowest to the highest point of the façade. Entrance spacing applies to points of access that are open to tenants, residents, and visitors during business hours, and that face and are directly accessible from the street or amenity space and is measured from the edge of one door to the edge of the next door and from the edge of the building to the edge of the door.

Table 310.24-4 BIMU Zoning District Massing and Activation Standards	
Building Height (max ft)	35 ft
Vertical Plane Break Spacing (max ft, primary frontage façade)	80 ft
Entrance Spacing (max ft, primary frontage façade only)	100 ft

- B. For projects where additional building height is allowed through City Council approval or the use of incentives, the maximum height of any portion of a multi-family or nonresidential building located within fifty (50) linear feet of the property line of an established single-family residential use shall be limited to the maximum height of the single-family district. The height limit shall not apply where an abutting property is zoned single-family residential but not used for residential purposes, such as a church, school, park, or golf course. The measurement of fifty (50) feet shall occur from the property line of the residential use to the structure in the NMU zoning district subject to this subsection.

C. Setbacks for Height Increases provisions of Sec. 35-517(d) do not apply to the BIMU zoning district.

(7) Parking.

A. Off-Street Parking Requirements. The minimum number of off-street parking spaces required by Table 526-3 shall not apply to the BIMU zoning districts. Bicycle parking requirements shall conform to subsection 35-526 (b)(9). All other provisions of Sec. 35-526 shall apply to the BIMU zoning district.

B. Table 310.24-5 applies to any new construction for multifamily, nonresidential, and mixed-use developments within the BIMU zoning district. Existing structures with existing front yard parking may continue its use but shall not be permitted to expand the front yard parking except in accordance with Table 310.24-5.

<u>Table 310.24-5 BIMU Zoning District Parking Locations</u>	
<u>Primary Frontage Front Yard</u>	<u>20 spaces (max)</u>
<u>Secondary Frontage and Side Yard</u>	<u>Yes</u>
<u>Rear Yard</u>	<u>Yes</u>

C. Notwithstanding the subsection above, parking for multifamily uses that qualify as a Middle Housing type shall follow any applicable garage, driveway, and off-street parking provisions provided in Sec. 35-373. If no specific provisions are provided in Sec. 35-373, the BIMU parking location standards apply.

D. Exit Alarm for Parking Garages. Where a vehicular exit from a parking structure is located within five (5) feet of the back of the property line, a visual and audible alarm and enhanced paving shall be installed to warn pedestrians and cyclists of exiting vehicles.

(c) Incentive Program. Development within the BIMU zoning district is eligible to participate in an elective incentive program that awards points for incorporating elements related to design, amenities, and uses. Accumulated incentive points may then be used to relax or alter certain development standards such as block length, average block area, setbacks, density, building height and width, and location of off-street parking. See Sec. 35-415 for Incentive Program options and Incentive Plan requirements and procedures.
