



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 4

Agenda Date: November 3, 2022

In Control: City Council A Session

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Consideration and action on amendment to Chapter 35 of the Municipal Code, the Unified Development Code (UDC), affecting all Articles and Appendices to include the potential initiation of large area re-zonings related to the creation of the West Side Creeks Water Quality Protection Area and expansion of the Mission Protection Overlay District. and waiving the next UDC amendment cycle update until the year 2027. These amendments are part of the 2021 UDC update program.

SUMMARY:

The Development Services Department will brief City Council on the recommendation of amendments to Chapter 35 of the Municipal Code, the Unified Development Code (UDC), affecting all Articles and Appendices in order to: (1) correct clerical and formatting errors; (2) make minor and major amendments to development regulations and standards; (3) clarify development standards; and (4) amend definitions. Additionally, this item directs the initiation of the overlay rezoning process for certain properties so that approved regulations may be applied as appropriate under city code provisions. Lastly, this item waives the requirement under Chapter 35 (UDC) for the next amendment cycle to begin in 2025, and instead directs it to begin in 2027. These amendments and associated directives are part of the 2021 UDC update program.

BACKGROUND INFORMATION:

The San Antonio City Council adopted the UDC on May 3, 2001. UDC Chapter 35-111 provides for an update process every 5 years. The 2020 UDC amendment process was delayed as a result of the COVID-19 pandemic and resumed in 2021. The UDC authorizes the Zoning Commission, Planning Commission, Board of Adjustment, Historic Design and Review Commission, and City Council to initiate amendments to the UDC for any purpose. Other individuals may submit amendments to the UDC that meet one of the following criteria:

1. Editing amendments to provide for changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statutes or case law.
2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC. Clarification amendments should not change or alter the intent or meaning of existing UDC provisions.
3. Rule Interpretation Determinations (RIDs) are written policies and administrative interpretations made by the development services director, historic preservation officer and planning and community development director for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.

The UDC implements the City's Comprehensive Plan and Master Plan policies. In addition, the UDC includes development regulations for subdivision platting, zoning, and street and drainage design standards, as well as historic preservation. This amendment process is intended to help strengthen and clarify regulations and carry out City Council priorities.

Development Services Department conducted a robust public outreach campaign to educate citizens on what the Unified Development Code is, why we update our development codes, and how the process is run. Additionally, public outreach focused on facilitating individual proposals for code amendments. Specifically, DSD staff hosted multiple, geographically dispersed community engagement meetings during the application period. Specifically, meetings were held on:

- Northside Community Meeting: October 21, 2021, located at the Phil Hardberger Park Ecology Urban Center
- Eastside Community Meeting: November 9, 2021, located at the Claude Black Community Center
- Southside Community Meeting: December 6, 2021, located at the Mission Library (In Spanish)
- Westside Community Meeting: January 19, 2022, conducted virtually due to a spike in COVID-19 transmission

In addition to these community meetings, Development Services staff also hosted five DSD Academy sessions to inform the public on how to engage in the UDC amendment process. Specifically, these meetings were held on:

- October 16, 2021

- November 20, 2021
- December 18, 2021 (In Spanish)
- January 15, 2022 (conducted virtually due to a spike in COVID-19 transmission)
- June 18, 2022

Moreover, DSD staff also attended neighborhood association meetings and meetings with neighborhood coalitions, as well as other stakeholder groups.

For the last several months, amendments have been reviewed and considered by several stakeholders and the Planning Commissions Technical Advisory Committee (PCTAC), these meetings were open to the public, published in SASpeakUp, and live streamed for public view. Development Services Department served as the administrator over this process and accepted 234 submissions. As the UDC process continues, below is an outline of what has occurred:

The window to submit UDC amendments opened on October 1, 2021 and remained open through February 1, 2022. In all, 234 amendments were submitted by 29 internal/external agencies and/or private citizens and organizations. The internal agencies included:

- Development Services Department
- Public Works Department
- Office of Historic Preservation
- SAWS
- CPS Energy
- Planning Department
- Parks and Recreation Department
- City Attorney's Office
- Office of Sustainability
- Neighborhood and Housing Services Department
- Solid Waste Management Department
- Transportation Department
- Planning Commission
- Zoning Commission
- Board of Adjustment

On February 8, 2022 PCTAC considered 43 external amendments to determine if they were editing, clarification, or more than editing or clarification. PCTAC sent 40 to Planning Commission for further review and deemed that three proposed amendments were only edits or clarifications.

The PCTAC is comprised of 24 members, 22 of whom have voting power (two experience members serve on the committee to provide input and expertise but have no voting authority). In addition to these 24 members, eleven (11) alternates are appointed to serve in the absence of a primary member. These members include engineers, architects, environmentalist, historians, and community leaders. In addition, members include Planning Commissioners, Zoning Commissioners, Board of Adjustments and the Parks Board.

On February 23, 2022 the Planning Commission voted to sponsor 37 of the 40 external amendments deemed more than an edit or clarification by the PCTAC. These external amendments

included:

- Food Policy Council – Urban Farming, (7) amendments
- Greater Edwards Aquifer Alliance – Drainage and open space, (9) amendments
- Justin Krobot – Trees, (1) amendment
- Joint Base San Antonio – Zoning, (1) amendment
- Mission San Jose NA – Zoning and notification process (2) amendments
- David Littlefield – Transitional housing, (1) amendment
- James McKnight – Zoning, (1) amendment
- Dawn Davies – Military Lighting Overlay District, (1) amendment
- Marlene Hawkins – Neighborhood association registration, (1) amendment
- Tier One Neighborhood Coalition – Zoning, public notification, STR's, (1) amendment
- Steve Versteeg – Zoning, (1) amendment
- D'ette Cole – Zoning, (1) amendment

The following 3 amendments were not sponsored by the Planning Commission.

- John Gonzales – Zoning process, (2) amendments
- Steve Versteeg – Application withdrawal process, (1) amendment

From February 14, 2022 through May 9, 2022 PCTAC met ten times to review all internal amendments, as well as external amendments that were sponsored by the Planning Commission or deemed only an edit or clarification by the PCTAC.

- 59 Category 1 (edit/clarify)
- 127 Category 2 (beyond edit/clarify)
- 48 Category 3 (detailed discussion)

After PCTAC consideration of UDC amendments, a total of 198 are moving forward in the process to boards and commissions.

- PCTAC Recommendation of Approval/Approval with Edits: 193
- PCTAC Recommendation of Denial: 5
- Withdrawn: 33 (includes items formerly recommended for approval or denial by PCTAC and subsequently withdrawn by applicant)
- Not Sponsored: 3

Briefings on proposed UDC amendments for each board or commission were held on:

Board of Adjustment:

- July 18, 2022

Historic Design and Review Commission:

- June 1, 2022

Zoning Commission:

- June 7, 2022
- June 21, 2022

Planning Commission:

- May 25, 2022
- June 8, 2022
- June 22, 2022
- July 13, 2022

Public Hearing and Action:

- Zoning Commission (62 amendments) – July 5, 2022
- Board of Adjustment (11 amendments) – July 18, 2022
- Historic Design and Review Commission (21 amendments) – July 20, 2022
- Planning Commission (196 amendments) – July 27, 2022

Next Steps include:

- Training on approved amendments: November through December 2022
- Effective date of amendments: January 1, 2023

ISSUE:

PCTAC recommended approval or approval with edits on 193 of the 234 submitted amendment proposals. 33 additional amendments have been withdrawn by the applicant, and three were not sponsored by the Planning Commission. The remaining five were recommended for denial by the PCATC and are proceeding to boards and commission for a recommendation.

PCTAC recommendation of denial:

- Amendment 1-1, related qualified transitional housing (Submitted by David Littlefield)
- Amendment 10-3, related to requiring an “S” Specific use Authorization for gas stations in the “C-2” Commercial base zoning district (Submitted by the Zoning Commission)
- Amendment 14-9, related to parkland dedication requirement (submitted by the Greater Edwards Aquifer Alliance)
- Amendment 23-5, related to tree preservation calculations (submitted by Neighborhood and Housing Services Department)
- Amendment 29-1, related to neighborhood association registration (submitted by Marlene Hawkins)

Summary of Board and Commission Action:

PCTAC:

Amendments Reviewed: 234

Approved: 110

Approved with Edits: 83

Denied: 5

Withdrawn: 33 (5 recommended for denial, 1 recommended for approval)

Zoning Commission:

Amendments Reviewed: 62

Approved: 54

Approved with Edits: 6

Denied: 1
Withdrawn: 1

Board of Adjustments:
Amendments Reviewed: 11
Approved: 9
Approved with Edits: 2
Denied: 0
Withdrawn: 0

Historic and Design Review Commission:
Amendments Reviewed: 21
Approved: 19
Approved with Edits: 2
Denied: 0
Withdrawn: 0

Planning Commission:
Amendments Reviewed: 196
Approved: 179
Approved with Edits: 14
Denied: 2
Withdrawn: 1

On August 25, 2022 the Planning and Community Development Committee recommended forwarding all UDC amendments to B Session.

COSA staff supports the edits made by the Boards and Commissions. Since board and commission consideration an additional three amendments have been withdrawn.

UDC Amendment Cycle:

UDC Section 35-311 states that the code shall be updated every five years, in years ending in “0” and “5.” The 2020 UDC amendment update was postponed as a result of the COVID-19 pandemic and resumed in 2021. Development Services Department staff are recommending that this provision in the code be suspended by Ordinance and that the next UDC amendment cycle start five years from the passage of this UDC update process. If approved, the next update will take place in 2027.

Large Area Rezoning:

In order to: (1) effectuate the implementation of Chapter 35 (UDC) amendment 19-1, related to Section 35-399.07 and the creation of the West Side Creeks Water Quality Protection Area; and (2) effectuate the implementation of Chapter 35 (UDC) amendment 13-1, related to Section 35-339.06 and the expansion of the Mission Protection Overlay District, City Council is directing the Development Services Department to initiate Large Area Rezoning (Overlay) of affected

properties so that any approved regulations may be applied as appropriate under city code provisions.

Effective Date and Applicability:

This ordinance shall become effective January 1, 2023. Plats for which an Application for Plat Identification number was submitted in accordance with Chapter 35 (Unified Development Code) Section 35-431 on or after January 1, 2023 shall comply with the newly adopted regulations related to transportation and street design. Plats for which an Application for Plat Identification number was approved or issued in accordance with Chapter 35 (Unified Development Code) Section 35-431 prior to January 1, 2023 shall follow the Chapter 35 (Unified Development Code) transportation and street design provisions in effect prior to this ordinance.

ALTERNATIVES:

City Council may choose to approve, modify, or deny the proposed UDC amendments.

FISCAL IMPACT:

There is no anticipated fiscal impact to the City's general fund or the Development Services Department's enterprise fund with this proposed ordinance.

RECOMMENDATION:

Moving Forward to City Council

- 193 Total UDC amendments
- 191 amendments were approved or approved with edits
- 2 denied amendments
 - Amendment 29-1, related to neighborhood association registration (submitted by Marlene Hawkins)
 - Amendment 1-1, related qualified transitional housing (Submitted by David Littlefield)
- 38 total withdrawals, including three since boards and commission meetings
 - 14-9: Greater Edwards Aquifer Alliance proposal to require private parkland to be open to public
 - 4-1: Steve Versteeg related to clarifying withdrawals of zoning applications
 - 5-47: Related to replatting without vacating a preceding plat
- 3 UDC amendments were not sponsored by the Planning Commission