



UDC Update Request Application

Part 1. Applicant Information

Name: Catherine Hernandez Organization (if applicable): Development Services
Address: 1901 South Alamo Street San Antonio, Texas 78204
Phone: 2102075085 Email: catherine.hernandez@sanantonio.gov
Signature: _____ Digitally signed by Michael Shannon Date: 10/20/2021
(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)

Amendment is suggested to clearly define criteria to determine when a nonconforming use has been damaged to a point that terminates the nonconforming use. Currently, the code states that damage in excess of 50% of the replacement value shall terminate a nonconforming use. Staff has no way to calculate the replacement cost. This amendment clarifies that if more than 50% of the building footprint is destroyed, then the nonconforming use shall be terminated.

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 will not have a direct impact on construction costs. It is intended only to establish clear guidelines for staff to determine if a nonconforming use shall be permitted to remain in use or terminated.

UDC 2021 Proposed Amendment

Amendment 5-26**Applicant:** Development Services**Amendment Title** – ‘Sec. 35-706. - Termination of Nonconforming Uses.’**Amendment Language:**

Termination of nonconforming rights under subsections (a) and (b) of this section shall provide for notice and hearing as provided in [section 35-406](#) of this chapter.

- (e) **By Destruction or Damage of Structure.** The right to operate and maintain any [non-residential](#) nonconforming use, ~~except a single family dwelling unit,~~ shall terminate and shall cease to exist whenever the structure or structures in which the nonconforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the ~~appraised value replacement cost~~ of such structure [from a certified/ licensed agent or county tax records](#) on the date of such damage or destruction. A nonconforming [residential](#) ~~single family~~ dwelling unit [in which less than 50 percent of the building footprint](#) ~~which~~ is destroyed or damaged ~~more than fifty (50) percent of the replacement cost appraised value~~ may be rebuilt provided a building permit is issued within one (1) year of the date of such damage or destruction. The director of planning and development services may require the submission of necessary evidence to verify the date of damage or destruction. [Residential dwelling units include all single family and multi-family uses.](#)
