

RIVER NORTH REGULATING PLAN FREQUENTLY ASKED QUESTIONS

1) What is the purpose of the proposed zoning changes?

The purpose is to guide the revitalization of River North so that the area becomes a vibrant mixed-income, mixed-use urban residential neighborhood that all San Antonians can be proud of. The Museum Reach of the River Improvements Project (due for completion in May, 2009) is expected to spur development in the area, and the Regulating Plan is designed to maximize the resulting benefits for all property owners and residents in River North.

2) What is the statutory basis of the proposed changes, and who will approve and administer the proposed plan?

Chapter 211 of the Texas Local Government Code grants municipalities the right to institute and enforce zoning regulation. In San Antonio, zoning authority rests with the Zoning Commission and the City Council. The City Council has the ultimate authority to approve the proposed regulation.

3) Why is it necessary to change the existing zoning?

The current zoning scheme of I1 which covers most of the planning area is inconsistent with many of the recommendations of the Downtown North Neighborhood Plan and the RIO Overlay. In addition, I1 is not the most appropriate zoning classification for consistency with the River Improvements Project.

4) What is form-based code?

The main theme of form-based zoning is that the form of the development and the interactions of the structures are more important than the uses that they accommodate. It is intended to provide for livable, human oriented (pedestrian, bicycle and mass-transit as well as automobile usage), mixed-use urban settings. It can be a powerful tool for comprehensive area-wide planning as it helps to create pleasant yet functional places by utilizing the forms of buildings (type, height, setbacks, other architectural features and their relation to each other and to the public realm) to create spaces.

5) Has form-based code been used elsewhere?

Yes. Form-based codes are common in new planned communities, and are increasingly being used to promote infill and historic preservation, including: Arlington, Virginia; Contra Costa County, California; Iowa City, Iowa; Hercules, California; Fayetteville, Arkansas; Woodford County, Kentucky; Lancaster, Texas; Fort Worth, Texas; El Paso, Texas; Ventura, California; Pasadena, California. This type of development pattern is based upon American settlement and development patterns that have been the foundation of city layout pre-dating World War II. For more information about Form Based Codes, please see <http://www.formbasedcodes.org/>.

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6) Will the City of San Antonio use eminent domain powers to implement this plan.

No, the City cannot legally use eminent domain powers for the purpose of economic development. The City's eminent domain power is not required to achieve the goals and objectives of the Master Plan.

7) Will this proposal allow residential development?

Yes. A key objective of the regulating plan is to encourage residential development. Residential uses are allowed in every part of River North. This is a sharp contrast to the current I1 zoning currently in place in most of River North, which explicitly prohibits residential uses.

8) Will this new regulating plan replace RIO-2?

The draft Regulating Plan incorporates many of the RIO-2 standards. If the Regulating Plan is silent on a topic, then the RIO-2 will apply. Examples of RIO-2 provisions that would apply are materials and finishes, internal circulation and setbacks from the river, since the Regulating Plan does not specifically address these items.

9) Will this new regulating plan replace the existing zoning classifications like I1, C1, C2, C3, and O2?

Yes.

10) Will this property replace the zoning on any parcels currently zoned D?

No. The proposal has been drawn to exclude any properties with a D zoning designation.

11) What development is allowed for D zoned properties inside RIO-2?

D allows for a mix of residential, office, and commercial uses.

12) Why don't we simply replace all the existing zoning in River North with D zoning?

The San Antonio community places a high value on master-planned neighborhoods that encourage mutually compatible, mixed-use, and pedestrian-friendly development. The piecemeal development allowed by 'D' Zoning does not provide to property owners the certainty that adjacent development will be compatible – and that it won't, in fact, devalue their property. The approach proposed by the draft Regulating Plan would create much more certainty for property owners regarding the size, scale, and compatibility of all development throughout the River North district. Additionally, the D zoning district allows full exemption from parking requirements and does not have any design standards to ensure quality development.

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13) What kind of development is currently allowed for properties zoned I1?—

a) Allowable uses for I1 zoned properties

General industrial or manufacturing type uses, such as coffee roasting, machine shops, welding shops, recycling facilities, food processing, the manufacturing of brooms, clothing, ice cream, furniture, toys, etc.

b) Guidelines and prohibited uses for I1 zoned properties inside the RIO-2 overlay?

Prohibited uses are billboards, transmitter towers, truck and heavy equipment auction, auto manufacture, auto and light truck auction, outside storage, batching plant, stockyard, junkyard, abrasive manufacturing, acetylene gas – manufacturing and storage, hazardous materials hauling or storage, petro chemicals bulk storage, metal forging or rolling mill, packing plant, petroleum – manufacturing or processing, poultry processing, rendering plant, sand or gravel – storage or sales, vulcanizing, recapping; wood processing by creosoting or other preservation treatment. Uses prohibited within 100 feet of the river right-of-way are: parking and transient vehicle storage related to delivery, parking and or storage (long term), tire repair (auto and small truck), truck repair and maintenance, truck stop or laundry can recycle collection station, dry cleaning plant, laundry plan, outdoor flea market, farm equipment sales, services or storage, oil well supplies and machinery sales, oil refining, portable building sales, electric repair, heavy equipment, manufactured home/oversize vehicle sales, service or storage, paper products – manufacturing; sexually oriented businesses, parking structures except where it is separated by at least 25 feet from directly abutting the river by a permitted use and is not visible from the river right-of-way.

14) What kind of development is currently allowed for properties zoned C1 and C2?

A variety of retail, office, and service uses.

15) What kind of development is currently allowed for the C2 zoned properties inside of RIO-2?

The same as 14, with exceptions noted in number 13 above.

16) What role does the Historic Design & Review Commission play in the current zoning scheme, and how will this change under the proposed Regulating Plan?

The HDRC will provide review for any project that falls within a RIO or historic district, or a historic landmark. Building plans outside of these districts will be reviewed administratively by staff to ensure compliance with design standards.

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17) What will happen to industrial businesses under the Regulating Plan?

Industrial uses may continue to operate within the River North area. The current draft of the Master Plan does not zone out most industrial uses. One advantage of form-based zoning is that it allows for a mix of uses to exist in proximity to each other, by regulating physical building and lot standards. Article VII of San Antonio's Unified Development Code provides for grandfathering.

18) The Regulating Plan is geared to encourage residential and mixed use development. What will happen to an industrial business that is already operating in River North?

If the industrial business legally exists, but is not allowed in the FBZD, it will be considered legally nonconforming and may continue, pursuant to the explanation above.

19) Will a property owner be able to expand an existing industrial business under the new Regulating Plan?

If the industrial business is not allowed in the FBZD and is considered legally nonconforming, it may be extended throughout the building, provided no structural alterations or additions to the structure, except those required by law or ordinance, are made thereto.

20) Will a property owner be able to remodel the premises of an existing industrial business under the new Regulating Plan?

If the industrial business is not allowed in the FBZD and is considered legally nonconforming, it may be operated and maintained in a state of good repair, so long as it is not enlarged or expanded.

21) How will this Regulating Plan benefit an owner of a property currently used for an industrial use?

It will offer assurances and stability as to the form of development of nearby or adjacent properties.