NJH: 09/11/03
Item #21

AN ORDINANCE 98149

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING ARTICLE III TO ALLOW TRANSFER OF FLEX DISTRICT STANDARDS BETWEEN ADJACENT FLEX DISTRICTS.

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WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

WHEREAS, the San Antonio City Council adopted the New Flex Zoning Districts on August 28, 2003; and

WHEREAS, a public hearing on the matter was held at which parties in interest and citizens had an opportunity to be heard; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Texas is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text.

SECTION 2. Chapter 35, Article III, of the City Code of San Antonio, Texas is amended by amending Section 35-310.15 "UD" Urban Development District as follows:

35-310.15 Urban Development District (UD)

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(i) "UD" Master Plan Consistency

(1) Master Plan Consistency. Application of the "Flex" districts shall be consistent with the City Council adopted Master Plan governing the subject area. Within the "Flex" district, a land owner may develop any parcel or combination of parcels greater than 20 acres in size as a Flexible Development Plan (FDP) if such FDP complies with the goals and objectives of the city's comprehensive Master Plan and the development standards and criteria set forth below. The use of a FDP under this provision shall be considered in compliance with the adopted Master Plan and requires only ministerial approval of the Master Development Plan (35-412) by the Planning Director if it meets the criteria ~~summarized~~ in Section ~~Table~~ 35-310.15(i) and Table 35-310.15-5.

(2) FDP Use Patterns. An FDP shall follow one of the following two use patterns.

A.~~1~~. The TND pattern requires compliance with the provisions of Sec. 35-207 and the additional flex standards in Table 35-310.15-5 ~~the table below~~.

B.~~2~~.The MXD pattern requires compliance with the provisions of Section 35-341, i.e., a mix of retail, office, service, and residential uses within a maximum radius of one quarter (1/4) mile and the standards set forth in Table 35-310.15-5 ~~the table below~~. The standards are based on certain provisions taken from the UD and MI-1 Flex Districts. These standards are to ensure compatibility between uses that are not otherwise allowed and may have more density or intensity than the underlying base zoning.

(3) Interdistrict Transfers. For a development project 100 acres or greater in size that is contained within two or more UD or RD Flex Districts, one contiguous area may be developed in accordance with an adjoining Flex District's standards provided that the development complies with the following additional standards:

A. An equivalent contiguous area in the adjoining Flex District is developed in accordance with the originating Flex District's standards.
B. The total area that can be developed in accordance with standards of one or more adjoining Flex Districts shall not exceed 50% of the area of each Flex District.
C. In no case shall any portion of an area subject to transferred Flex District standards be located beyond one-fourth (1/4) mile of the adjoining Flex District boundary.
D. In no case shall any portion of an area subject to transferred Flex District standards be located within one-fourth (1/4) mile of an industrial or mixed industrial district.
E. All single family UD development shall comply with the diversity provisions of 35-310.15 (b) (1) notwithstanding the size of the development.
F. Interdistrict transfers shall be deemed consistent with the Master Plan and shall not require a rezoning, provided that a MDP that annotates the areas subject to the transferred development standards is submitted to the Planning Director for review and is approved.
G. The areas subject to the transferred Flex District standards shall be identified on any plat(s) containing all or any portion of an area subject to transferred Flex District standards.

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SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall become effective September 21, 2003.

PASSED AND APPROVED this the 11th day of September, 2003.

M A Y O R
EDWARD D. GARZA

ATTEST: Yolanda L. Ledesma
City Clerk

APPROVED AS TO FORM: for **City Attorney**