

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL CORRESPONDENCE
PLANNING DEPARTMENT**

TO: Mayor and City Council

FROM: Emil R. Moncivais, AICP, AIA, Director, Planning Department

THROUGH: Terry M. Brechtel, City Manager

COPY: Jelynn LeBlanc Burley, Assistant City Manager; Florencio Pena, Director, Development Services Department; Roderick Sanchez; Nina Nixon-Mendez; Bill Telford; Norbert Hart; file

SUBJECT: Proposed Zoning Enabling Ordinance for Mixed Heavy Industrial (MI-2) District

DATE: August 12, 2004

SUMMARY AND RECOMMENDATION

The proposed zoning enabling ordinance for the Mixed Heavy Industrial (MI-2) District will amend Article III of the Unified Development Code (UDC). The purpose of the new zoning district, that can be applied throughout the City, is to enable the best implementation mechanism for the vision and desires expressed by the community plan; account for the need to zone very large parcels of land over a wide area; and, provide sufficient flexibility to allow for diverse development opportunities while still controlling land uses to ensure quality development. The attachment contains the enabling ordinance text for the proposed MI-2 zoning district and is formatted to conform to the standards of the UDC.

Staff recommends approval.

BACKGROUND INFORMATION

The Southside Initiative Community Plan was adopted by City Council on June 26, 2003. The plan's vision is based on themes that were articulated in the community planning process that took place from May to June 2003. A proposed land use plan was adopted by City Council as a component of the Southside Initiative Community Plan.

On August 28, 2003, City Council adopted four (4) new flex zoning districts to implement the future land use categories of the Southside Initiative Community Plan. They are as follows: Urban Development District (UD), Rural Development District (RD), Farming and Ranching District (FR), and Mixed Light Industry District (MI-1). In order to complete the process and create a zoning district that best implements the remaining land use category of Mixed Heavy Industry, staff has worked with stakeholders to create the MI-2 zoning district.

On July 6, 2004, the Zoning Commission held a public hearing and adopted a resolution recommending that the enabling ordinance for the Mixed Heavy Industrial (MI-2) District be forwarded to the City Council for adoption as a component of the UDC. Subsequently, a separate ordinance will be required in order to rezone property located within the Southside Initiative Community Plan and will be processed as a zoning amendment with the statutory notice provisions specified in §35-403 of the UDC.

POLICY ANALYSIS

The MI-2 zoning district will provide a variety of heavy manufacturing and industrial uses. Similar to the concept of a corporate campus, the district allows accessory uses that provide convenient service to the occupants of the industrial facility. Additionally, the district provides certain commercial uses through the commercial village pattern and the flex development plan that allows a mix of retail, service and office uses within ¼ mile radius. For the protection of public health, safety and welfare, residential uses are not permitted: specifically no single-family residential use is allowed (with the exception of dwelling units for on-site caretakers), and no multi-family use is allowed. Additional provisions address building material wall finishes within 100 feet of the right-of-way, performance standards, sign standards, a 15% open space requirement, off-street loading, roadway buffers, and a riparian buffer.

Associated benefits of the proposed zoning district include flexibility in allowing multiple uses in the same district provided they meet certain development and location standards; improved development process efficiency, as rezoning is not required if site plans meet established development and location standards; and, application of the district to other parts of the City.

The proposed zoning district is consistent with the 1997 Master Plan Policies. The proposed district will promote and attract economic development and growth; preserve natural resources; protect and enhance rural character of the area; and promote a sense of community through a mixture of uses that service the area.

FISCAL IMPACT

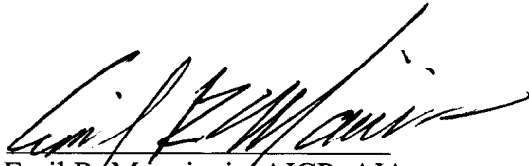
The proposed ordinance is the enabling legislation. Adoption of the enabling ordinance does not obligate the City to any financial commitment. Following the adoption of the enabling ordinance, Development Services staff will proceed with the rezoning of the Toyota site.

COORDINATION

Review of the proposed enabling ordinance was coordinated with the following departments: City Manager's Office, City Attorney's Office, Development Services, and Planning. Notice of the proposed ordinance was published in the Commercial Recorder.

SUPPLEMENTARY COMMENTS

The rezoning of the remaining tracts within the Southside Initiative, including the Toyota site, to MI-2, will be considered following the adoption of the enabling ordinance.



Emil R. Moncivais, AICP, AIA
Director, Planning Department



Jelynn LeBlanc Burley
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

AN ORDINANCE

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING ARTICLE III TO AMEND SECTION 35.310.15 AND TO CREATE A NEW ZONING DISTRICT BY ADDING SECTION 35-310.19, "MI-2" MIXED HEAVY INDUSTRIAL DISTRICT AND AMENDING VARIOUS SECTIONS OF ARTICLE III TO INCLUDE THE NEW DISTRICT.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; 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, Section 35-303, Establishment of Districts, of the City Code of San Antonio, Texas is amended by adding one new zoning district as follows:

35-303 *Establishment of districts*

(a) *Base Zoning Districts*

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the City, as shown on the Official Zoning Map accompanying this Chapter and incorporated herein by this reference, is hereby divided into the following zoning districts, the Overlay and Special Zoning Districts established in subsections (b) and (c) hereto, and the Conditional Zoning Districts established pursuant to § 35-321 of this Article, which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

“RP” Resource Protection
“RE” Residential Estate
“R-20” Residential Single-Family
“R-6” Residential Single-Family
“RM-6” Residential Mixed
“R-5” Residential Single-Family

"RM-5" Residential Mixed
"R-4" Residential Single-Family
"RM-4" Residential Mixed
"MF-25" Multi-Family
"MF-33" Multi-Family
"MF-40" Multi-Family
"MF-50" Multi-Family
"O-1" Office
"O-2" Office
"NC" Neighborhood Commercial
"C-1" Light Commercial
"C-2" Commercial
"C-2NA" Commercial, Nonalcoholic Sales
"C-3" General Commercial
"C-3R" Restrictive Commercial
"C-3NA" General Commercial, Nonalcoholic Sales
"D" Downtown
"L" Light Industrial
"I-1" General Industrial
"I-2" Heavy Industrial
"UD" Urban Development
"RD" Rural Development
"FR" Farm and Ranch
"MI-1" Mixed Light Industrial
"MI-2" Mixed Heavy Industrial

SECTION 3. Chapter 35, Article III, Section 35-321, Conditional Zoning Districts, of the City Code of San Antonio, Texas is amended by adding the new flex zoning districts as follows:

35-321 *Conditional Zoning Districts*

- (a) A Conditional Zoning District, bearing the designation "C", is hereby established as a companion district for every district established in § 35-303(a), as follows:

"RP-C" Resource Protection
"RE-C" Residential Estate
"R-20-C" Residential Single-Family
"R-6-C" Residential Single-Family
"RM-6-C" Residential Mixed
"R-5-C" Residential Single-Family
"RM-5-C" Residential Mixed
"R-4-C" Residential Single-Family
"RM-4-C" Residential Mixed
"MF-25-C" Multi-Family
"MF-33-C" Multi-Family
"MF-40-C" Multi-Family

"MF-50-C" Multi-Family
 "O-1-C" Office
 "O-2-C" Office
 "NC-C" Neighborhood Commercial
 "C-1-C" Light Commercial
 "C-2-C" Commercial ~~"C-3" General Commercial C-2NA Commercial,~~
~~Nonalcoholic Sales~~
"C-2NA-C" Commercial, Nonalcoholic Sales
"C-3-C" General Commercial
 "C-3R-C" Restrictive Commercial
 "C-3NA-C" General Commercial, Nonalcoholic Sales
 "D-C" Downtown
 "L-C" Light Industrial
 "I-1-C" General Industrial
 "I-2-C" Heavy Industrial
 "QD-C" Quarry District
 "ED-C" Entertainment District
"UD-C" Urban Development
"RD-C" Rural Development
"FR-C" Farm and Ranch
"MI-1-C" Mixed Light Industrial
"MI-2-C" Mixed Heavy Industrial

- (b) Conditional Zoning Districts may be applied as parallel districts to any of the Base Zoning Districts. Conditional Zoning Districts may not be applied to any of the Overlay Zoning Districts (Article 4, Division 4) or Special Districts (Article 4, Division 5) of this Chapter.
- (c) The procedures for establishing Conditional Zoning Districts are set forth in § 35-422 of this Chapter.

SECTION 4. Chapter 35, Article III, Section 35-310 of the City Code of San Antonio, Texas is amended by replacing the existing Table 310-1 with a new Table 310-1, Lot and Building Dimensions, as follows:

* * * * *

Table 310-1
Lot and Building Dimensions Table

Zoning District	LOT DIMENSIONS								BLDG ON LOT				BUILDING		
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Depth (min)	Depth(max)	Front Setback (min)	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual (max)	Size - Aggregate (max)

RP	10 acres	0.1	—	—	—	—	—	15	—	5	—	35 / 2-½	—	—
RE	43,560	1	100	120	—	—	—	15	—	5	30	35 / 2-½	—	—
R-20	20,000	2	65	90	—	—	—	10	—	5	30	35 / 2-½	—	—
R-6 ⁽¹⁾	6,000	7	30	50	150	—	—	10	—	5	20	35 / 2-½	—	—
R-5 ⁽¹⁾	5,000	9	30	45	150	—	—	10	—	5	20	35 / 2-½	—	—
R-4 ⁽¹⁾	4,000	11	20	35	150	—	—	10	—	5	20	35 / 2-½	—	—
RM-6 ⁽¹⁾	6,000	7	15	15	150	—	—	10	—	0	20	35 / 2-½	—	—
RM-5 ⁽¹⁾	5,000	9	15	15	100	—	—	10	—	0	10	35 / 2-½	—	—
RM-4 ⁽¹⁾	4,000	11	15	15	80	—	—	10	—	0	10	35 / 2-½	—	—
MF-25 ⁽¹⁾	—	25	50	50	—	—	—	0	20 ⁽³⁾⁽⁴⁾	5	10	35	—	—
MF-33 ⁽¹⁾	—	33	50	50	—	—	—	0	20 ⁽³⁾⁽⁴⁾	5	10	45	—	—
MF-40 ⁽¹⁾	—	40	50	50	—	—	—	0	20 ⁽³⁾⁽⁴⁾	5	10	60	—	—
MF-50 ⁽¹⁾	—	50	50	50	—	—	—	0	20 ⁽³⁾⁽⁴⁾	5	10	—	—	—
O-1	—	—	50	50	—	—	—	0	35	20 ⁽²⁾	30 ⁽²⁾	25	10,000	90,000
O-2	—	—	50	—	—	—	—	25	80	20 ⁽²⁾	30 ⁽²⁾	—	—	—
NC	—	—	20	—	—	—	—	0	15	10 ⁽²⁾	30 ⁽²⁾	25	3,000	—
C-1	—	—	50	50	—	—	—	0	20	10 ⁽²⁾	30 ⁽²⁾	25	5,000	15,000
C-2	—	—	20	—	—	—	—	0	0	10 ⁽²⁾	30 ⁽²⁾	25	—	—
C-2P	—	—	20	—	—	—	—	0	35	10 ⁽²⁾	30 ⁽²⁾	25	—	—
C-3	—	—	20	—	—	—	—	0	—	30 ⁽²⁾	30 ⁽²⁾	35	—	—
D	—	—	—	—	—	—	—	0	20	—	—	—	—	—
L	—	—	80	—	—	—	—	25	—	30 ⁽²⁾	30 ⁽²⁾	35	—	—
I-1	—	—	80	80	—	—	—	30	—	30 ⁽²⁾	30 ⁽²⁾	60	—	—
I-2	—	—	100	100	—	—	—	30	—	50 ⁽²⁾	50 ⁽²⁾	60	—	—
URBAN FORM														
UD-Single Family	—	10,000	—	15	15	150	150	15	20	0	10	35 / 2-½	—	—
UD-MultiFamily-15	—	—	15	50	50	—	150	15	20	5	10	35	—	20 units
UD-MultiFamily-33	—	—	33	50	50	—	300	15	20	5	10	—	—	150 units
UD-Commercial	—	—	—	—	—	—	—	0	—	—	—	—	—	—
bldg > 90,000**	250,000	—	—	—	500	500	—	0	35	30 ⁽²⁾	30 ⁽²⁾	—	—	—
bldg < 90,000**	—	—	20	—	—	300	—	0	35	10 ⁽²⁾	30 ⁽²⁾	—	—	< 90,000
bldg < 6,000**	—	—	20	—	—	150	—	0	35	10 ⁽²⁾	30 ⁽²⁾	25	—	< 6,000
RURAL DEV														
RD-Single Family	43,560	1	100	120	—	—	—	15	—	5	30	35 / 2-½	—	—
RD-Commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—
bldg > 90,000 sf**	250,000	—	—	—	500	500	—	0	35	30 ⁽²⁾	30 ⁽²⁾	—	—	—
bldg < 90,000 sf**	—	—	20	—	—	300	—	0	35	10 ⁽²⁾	30 ⁽²⁾	25	—	< 90,000
bldg < 6,000 sf**	—	—	20	—	—	150	—	0	35	10 ⁽²⁾	30 ⁽²⁾	25	—	< 6,000
FARM & RANCH														
FR-Single Family	25 acres*	0.04	—	—	—	—	—	15	—	5	—	35 / 2-½	—	—
FR-AgCommercial	25 acres*	—	—	—	—	—	—	15	—	5	—	35 / 2-½	—	—
MIXED INDUSTRIAL														
MI-1	—	—	80	80	—	—	—	***	—	30 ⁽²⁾	50 ⁽²⁾	60	—	—
MI-1 < 3,000 sf	—	—	50	—	—	—	—	***	—	10 ⁽²⁾	30 ⁽²⁾	—	—	3,000
MI-1 Village Center	2 acres	—	300	—	—	—	—	***	—	10 ⁽²⁾	30 ⁽²⁾	—	—	—
MI-2	—	—	100	100	—	—	—	***	—	50 ⁽²⁾	50 ⁽²⁾	150	—	—

MI-2 < 3,000 sf				50					***		10 ⁽²⁾	30 ⁽²⁾			3,000
MI-2 Village Center	2 acres			300					***		10 ⁽²⁾	30 ⁽²⁾			

* Exception allowed for pre-existing lots of record

** See regulations for location standards

*** See Table 310.15-3 for minimum setback standards on specific street classifications

**** Subdivision Recreation Facilities provided for the primary use of the subdivision's residents and located on property with a single-family zoning category shall be exempt from the front yard setbacks of Table 310-1.

SECTION 5. Chapter 35, Article III, Section 35-310.18, "MI-1" Mixed Heavy Industrial District of the City Code of San Antonio, Texas is amended as follows:

(h) "MI-1" Natural Resource Protection - (same as "MI-2" "UD" district). See Section 35-310.19(h).

SECTION 6. Chapter 35, Article III, of the City Code of San Antonio, Texas is amended by adding a new Section 35-310.19, "MI-2" Mixed Heavy Industrial District as follows:

35-310.19 Mixed Heavy Industrial "MI-2"

(a) "MI-2" Generally

Purpose

The Mixed Heavy Industrial District "MI-2" is established to encourage the development of commercial, light and heavy industrial uses that are internally compatible in an effort to achieve a well designed development and provide a more efficient arrangement of land uses, building, and circulation systems. These districts are located for convenient access from existing and future arterial thoroughfares and railway lines. Furthermore, these districts shall protect and enhance the rural character of the area, attract sources of economic development and growth, promote clean industry, and minimize the adverse affects to adjacent uses.

The "MI-2" District implements the following goals and policies of the Master Plan:

- Economic Development, Policy 1e: Support and encourage efforts to diversify the economic base of San Antonio.
- Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.
- Natural Resources, Goal 3: Achieve a sustainable balance between the conservation, use and development of San Antonio's natural resources.
- Natural Resources, Policy 1d: Encourage retention of the 100-year floodplains as natural drainage ways without permanent construction, unnecessary straightening,

bank clearing, or channeling.

- Urban Design, Policy 1b: Develop urban design policies and standards which integrate and coordinate planning for historic and cultural resources, public facilities and services, and private development, infrastructure, transportation, arts and cultural resources, libraries, parks and recreation, health and human service facilities.

(b) "MI-2" Uses and Conditions

1. The Mixed Heavy Industrial District "MI-2" allows development in accordance with the dimension standards contained in Section 35-310, Table 310-1, Lot and Building Dimensions Table.
2. All permitted and specifically permitted uses in the Mixed Heavy Industrial District "MI-2" are enumerated in Section 35-311, Table 311-1a, Residential Use Matrix, and Table 311-2a, Non-Residential Use Matrix, unless otherwise provided for in this section.

(1) Single Family Residential Use

Single-family residential use is not allowed in a "MI-2" district except that dwelling units for on-site caretakers are allowed.

(2) Multi-family Residential Use

Multi-family residential use is not allowed in a "MI-2" district.

(3) Accessory Uses

Accessory uses, whether located within a plant facility for its sole use or within a separate structure to be shared in common by occupants of the industrial facility shall be demonstrably related to the permitted principal uses and provided only for the convenience, uses, and service of occupants of the industrial facility its guests and visitors. Authorized accessory uses include but are not limited to:

- A. Personal services such as cafeteria, restaurant, barber/beauty shop, newsstand, laundry/dry cleaning pickup station, sundries store, financial services, or day care center, clinic (physician and/or dentist), optical goods retail, optician, optometry office, and Post Office, provided that such facilities shall have no advertising display other than directional or informational signs.
- B. Retail incidental to or in support of any of the principal permitted uses, including but not limited to, apparel & accessory store, candy, nut and confectionery store, gift shop grocery store, and delicatessen.
- C. Recreational facilities, industrial health clinics and first aid stations, technical libraries, auditoriums, employee training facilities, meeting and display rooms.

- D. Temporary buildings, trailers and vehicles for uses incidental to construction work.
- E. Other accessory uses and structures customarily incidental to any permitted principal uses.

Any permitted uses involving the handling or sale of food or food products shall comply with the requirements set forth in Chapter 13 of the City Code (Food and Food Handlers).

(4) Commercial Village Centers

A Village Center is Optional. Table 311-2a indicates uses that may be permitted, provided such sites are designed as a Village Center in accordance with the following standards:

- A. The minimum lot frontage requirement of Village Centers shall be 300 feet.
- B. The ground floor to area ratio (FAR) of Village Centers shall not exceed 35%. The GFA shall include the plaza, square or public open space.
- C. A minimum of three individual buildings is required for Village Centers.
- D. Village Centers shall be no less than two (2) acres and shall be located on an arterial street or an expressway.
- E. Village Centers shall not be located within a radius of forty-five percent (45%) of the length of the roadway section between the intersection of two major arterial streets or higher classification whichever is greater measured from the centerline where two major arterial streets or higher classification intersect.
- F. Site plan of Village Centers shall be pedestrian oriented with sidewalks and walkways connecting buildings, plazas and parking.
- G. All buildings of Village Centers shall have their principal entrance opening to the plaza, green or other public open space.
- H. Shared internal driveway access shall be required for Village Centers.
- I. No parking shall be permitted in the front street yard of a Village Center.
- J. Parking for Village Centers shall be located at the sides and rear of buildings. Parking requirement shall be a minimum of one (1) space per 500 feet of GFA.
- K. At least two of the following pedestrian-oriented features of a Village Center shall be provided in the public open space area:
 - a. Seating
 - b. Ornamental lamp posts, or
 - c. Native shade trees.

L. At least two of the following urban design features shall be provided in the public open space area of a Village Center:

- a. Drinking fountains,
- b. A bandstand or a gazebo,
- c. Arbors,
- d. Awnings or canopies,
- e. Ornamental fountains,
- f. Trellises with native plants, or
- g. Beds of native plants.

M. The buildings of a Village Center shall be oriented around a green, plaza, or other public open space. Public open space shall not be less than five percent (5%) of the total acreage. The five percent (5%) requirement shall include only those sidewalks and walkways that adjoin or are located in the open space.

N. Exceptions to the Commercial Village Center.

If the maximum building size does not exceed 3,000 square feet, auto and light truck repair, auto state vehicle inspection, gasoline station, convenience store, and restaurant uses may be located completely within 250 feet from the intersecting centerlines of arterial streets, expressways, main streets, boulevards, or parkways.

(b) "MI-2" Blocks, Lots, Streets, Sidewalks, Parking & Loading Design

Blocks, lots, streets, sidewalks, and parking and loading shall be designed in accordance with Article V of this Chapter with the following exceptions:

- (1) Streets - (no additional standards required).
- (2) Parking and Loading - (no additional standards required).
- (3) Minimum building setback requirements. In addition to the requirements set forth in Section 35-310, Table 310-1, any property adjoining a collector street, primary or secondary arterial streets, or freeway must comply with the minimum setbacks in Table 310.19-1.
- (4) All self-standing wireless communication transmission towers shall adhere to the minimum building setbacks set forth in Table 310.19-1.

Table 35-310.19-1
Building Setback Requirements for MI-2 District

<u>Adjoining Street Classification*</u>	<u>Minimum Building Setback Requirement</u>
<u>Collectors or Avenues</u>	<u>30 feet from any property line adjoining</u>

	a collector street
<u>Primary and Secondary Arterials, or Boulevards and Main Streets</u>	<u>40 feet from any property line adjoining a primary or secondary arterial street</u>
<u>Freeways or Parkways</u>	<u>50 feet from any property line adjoining a freeway</u>

** As described in Table 506-1, Table 506-2, and the Major Thoroughfare Plan*

Reference: Sec. 35-506 Transportation and Street Design:
Tables 506-1 and 506-2 explain both Conventional and Traditional Street classifications.

(5) Off-Street Loading.

- A. Principal vehicle access to and from the site shall be from a primary driveway.
- B. All loading docks shall be located on the same lot as the building or use to be served. All loading docks located within 250 feet of public right-of-way shall be located behind a building. Loading docks may be located at the sides of a building and within 250 feet of public right-of-way if fully screened from public view. No loading docks shall be permitted in the required front yard setback area.

(d) **"MI-2" Parks & Open Space**

No park or open space dedication is required. Fifteen percent (15%) of the site shall be retained in permanent open space with either undisturbed natural plant materials or maintained landscaped areas.

(e) **"MI-2" Building Design & Articulation**

Buildings within 100 foot of any public right-of-way shall conform to the following standards:

- (1) Exterior wall finish for non-residential buildings. Any exterior wall located partially or wholly within 100 feet from the edge of the public right-of-way shall be masonry, except for doors, windows and trim. Masonry shall mean brick, stone, or stucco, or similar material. Stucco shall not comprise more than fifty percent (50%) of the exterior finish.
- (2) Refuse collection. Refuse containers shall be located away from public rights-of-way and business entrances, must not interfere with traffic circulation or site parking, and shall be completely screened from public view with materials similar to or compatible with buildings located on the same site. Screening is not required for collection areas for industrial by-products located more than 100 feet from the right-of-way.
- (3) Mechanical equipment and appurtenances. Cooling towers, vent stacks, ventilating fans, and other rooftop and ground-mounted mechanical units located partially or wholly within 100 feet from the edge of the public right-of-way shall be integrated into the

design of the structure in a manner that is integral to the architectural form of the building.

(f) Signs

The provisions of Chapter 28 of the City Code pertaining to Signs and Billboards shall apply, provided that in the event of a conflict between the provisions of this section and Section 28, the provisions of this section shall apply.

Reference: Chapter 28 of the City Code contains regulations regarding signs and billboards.

- (1) Signs shall only advertise a service, product or business on the site on which the sign is located.
- (2) Signs shall be designed to be compatible in style and character with the primary structure on the site. Trademark signs are allowed subject to the other provisions of this section.
- (3) No florescent colored, reflective surfaces, blinking lights and/or rotating or moving parts shall be permitted on a sign.
- (4) Wall signs. The maximum allowable sign area, as a percentage of the area of each building elevation, for attached signs along all street frontage is contained in Table 310.19-2, provided that each occupancy that has a separate and distinct public entrance located on an Arterial Type B street shall be allowed a minimum of fifty (50) square feet of sign message area, each occupancy that has a separate and distinct public entrance located on an Arterial Type A street shall be allowed a minimum of seventy five (75) square feet of sign message area, and each occupancy that has a separate and distinct public entrance located on an Expressway shall be allowed a minimum of one hundred (100) square feet of sign message area.

Table 310.19-2
Maximum Attached Sign Message Area

<u>Street Type</u>		<u>Maximum Attached Sign Message Area</u>
<u>Arterial Type B</u>		<u>15%</u>
<u>Arterial Type A</u>		
	<u>Cabinet sign</u>	<u>10%</u>
	<u>Channel letters raised or incised</u>	<u>15%</u>
	<u>Painted or flat sign</u>	<u>15%</u>
<u>Expressway</u>		
	<u>Cabinet sign</u>	<u>15%</u>
	<u>Channel letters raised or incised</u>	<u>20%</u>
	<u>Painted or flat sign</u>	<u>15%</u>

- (5) One monument sign not to exceed six (6) feet in height and thirty two (32) square feet of

sign area per side for single tenant sign, or eight (8) feet in height and fifty (50) square feet of area per side for a multi-tenant sign shall be permitted per parcel or platted lot or one per each 1200 feet of frontage, provided that the spacing between signs is 200 feet. Pole mounted signs shall not be allowed, except that directional signs not exceeding three (3) feet in height and four (4) square feet in sign area per side are permitted. On a tract of land with more than 2400 feet of frontage signs must be spaced two hundred (200) feet apart, however the total permissible sign area may be combined into one or more signs that shall not exceed six feet and six inches in height and sixty four (64) square feet of sign area per side for a single tenant sign or eight feet in height and one hundred (100) square feet of area per side for a multi-tenant sign.

(6) Externally illuminated signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the public right-of-way.

(7) Prohibited signs:

A. Animated, moving, flashing, or rotating signs

B. Signs which utilize intermittent or flashing illumination devices, change light intensity, brightness or color, or are constructed and operated to create an appearance of motion.

C. Off-premise signs

D. Roof signs

E. Signs in public rights-of-way.

(8) Temporary signs. Banners, pennants, streamers, and balloons one (1) foot in diameter may be used as temporary advertising for a maximum duration of thirty (30) days each six (6) months. Permits in accordance with Chapter 28 are required for temporary signs more than fifteen (15) square feet in size.

(g) "MI-2" Buffers

(1) Buffer Requirements for "MI-2" districts shall be in addition to the requirements set forth in Section 35-510 pertaining to Buffers.

Reference: Section 35-510 Landscaping and Section 35-523 Tree Preservation

(2) Any property adjoining a collector, primary or arterial street, or freeway must comply with the minimum vegetative buffer yard requirements set forth below in Table 310.19-3. No fence or wall can be substituted for the vegetative buffer yard requirement. A Type N Buffer may be substituted for the buffer yard requirement to encourage the preservation of natural vegetation.

Table 310.19-3
Street Classification and Vegetative Buffers

<u>Adjoining Street Classification *</u>	<u>Minimum Vegetative Buffer Yard Requirement</u>	<u>Vegetative Buffer Yard Type</u>
<u>Collectors or Avenues **</u> <u>(UD, RD, and FR Districts Exempt)</u>	<u>15 feet from any property line adjoining a collector street</u>	<u>C or Option C or N</u> <u>Fence, wall, or berm not permitted</u>
<u>Primary and Secondary Arterials or Main Streets or Boulevards</u> <u>(UD District Exempt)</u>	<u>25 feet from any property line adjoining a primary or secondary arterial street</u>	<u>D or Option D or N</u> <u>Fence, wall or berm not required</u>
<u>Freeways or Parkways</u>	<u>30 feet from any property line adjoining a freeway</u>	<u>E or Option E or N</u> <u>Fence, wall, or berm not required</u>

* As described in Table 506-1, Table 506-2, and the Major Thoroughfare Plan

** Only applicable to MI-1 and MI-2 Districts.

Reference: Section 35-506 Transportation and Street Design:
Table 506-1, Conventional and Table 506-2, Traditional street classifications.

- (3) Buffer requirements for adjoining uses or zoning districts are set forth below in Table 310.19-4.

Table 310.19-4
Adjoining Use Buffers

<u>Use or Zoning District</u>	<u>Adjoining Use or Zoning District</u>									
	<u>SF</u>	<u>MF < or = 15 du</u>	<u>MF > 15 du</u>	<u>C - O < 3,000*</u>	<u>C - O 3,001-10,000*</u>	<u>C - O 10,001-45,000*</u>	<u>C - O 45,001-90,000*</u>	<u>C - O > 90,000*</u>	<u>L, I-1, I-2</u>	<u>MI-1, MI-2</u>
<u>MI-2</u>	<u>F</u>	<u>F</u>	<u>F</u>	<u>E</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NA</u>	<u>NA</u>
<u>* Commercial or office aggregate building footprint</u>										
<u>Type N or "Option" buffers may be utilized</u>										

Reference: Sec. 35-510 Landscaping and Tree Preservation: Buffers
Table 510-1 lists current buffer requirements between uses and along streets.

(h) "MI-2" Natural Resource Protection

(1) Riparian

A. Riparian protection buffer. The purpose of the riparian protection buffer shall be to:

- Protect natural storm water management provided by rivers, creeks, and wetlands.
- Protect surface water and groundwater quality.
- Protect water-dependent aquatic and terrestrial wildlife corridors.
- Maintain natural vegetation needed to protect the floodplain and provide wildlife habitat.
- Protect wetlands under Federal jurisdiction that exist within the floodplain buffer.
- Protect the underlying aquifer.

Reference: Riparian Buffers are not currently addressed in UDC.

The Floodplain (Sec. 35-460 and Appendix F) and the Storm Water (Sec. 35-504) regulations protect people and development from the hazards of flooding. The Riparian Protection Buffer is designed to enhance the natural function and beauty of the riparian area.

B. A riparian protection buffer shall be a minimum of 150 feet from both sides of the centerline of a waterway or the limit of the 100-year floodplain, whichever is greater.

C. A single-family residential use is permitted in the riparian protection buffer when a plat is not required by Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE.

D. Clearing, grading, filling, or construction is permitted in the riparian protection buffer if such clearing, grading, filling, or construction complies with the provisions of Appendix F, provided however, that rights-of-way for trails, streets or railroad lines needed to provide access to the property, and utility easements for water, sewer, storm water, electric, or cable lines may be cleared. In no case shall these activities impacting the riparian protection buffer exceed more than 20% of the total area of the buffer. The buffer area may be used for agriculture and ranch uses.

E. A retention or detention facility may be located within a riparian protection buffer provided that it is of earthen construction and is screened with vegetative screening.

F. In a riparian protection buffer where ongoing maintenance is required, drainage easements shall be maintained in accordance with Section 35-504.

G. Modifications to existing earthen channels and watercourses or newly created

open channels or retention/detention facilities shall be designed to enhance the rural aesthetic character or habitat value and shall be constructed and maintained in accordance with Section 35-504.

H. The Flood Plain Administrator may reduce the required riparian protection buffer area up to fifty (50) percent for:

- (1) a single family residence when a plat is not required by Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE; or
- (2) if the applicant demonstrates that the portion of the riparian protection buffer being reduced does not contain significant existing vegetative cover, such as protected native trees or wetlands, and the applicant provides one or more of the following mitigation measures:
 - (a) Enhanced vegetative cover provided in the remaining buffer area; or
 - (b) Earthen water breaks, drainage facilities or catch basins, or
 - (c) Erosion control and slope stabilization.

Reference: Sec. 35-203 Conservation Subdivision and Sec. 35-503 Parks and Open Space Standards

(i) "MI-2" 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 twenty (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 Flexible Development Plan (Section 35-412) by the Planning Director if it meets the criteria in Table 310.19-5.

An FDP shall follow one of the following two use patterns.

1. The TND pattern requires compliance with the provisions of Section 35-207 and the additional flex standards in the table below.
2. The MXD pattern requires 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 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.

Table 310.19-5
Flex Development Plan Option

	<u>Applicable UD Standards</u>	<u>TND Pattern:</u>	<u>Mixed Use Pattern:</u>			
	<u>Uses</u>	<u>All Flex Districts</u>	<u>UD</u>	<u>RD</u>	<u>FR</u>	<u>MI-1, MI-2</u>
(a)	<u>Residential</u>	<u>Permitted, except no residential in MI-1 and no multi-family in FR</u> <u>TND standards apply</u>	<u>Residential uses are permitted</u> <u>UD Flex standards apply if residential uses are built</u>	<u>Both single family and multi family uses are permitted</u> <u>Single family maximum at 2 dwelling units per acre</u> <u>Multifamily uses shall not exceed 20% of the total acreage at 25 dwelling units per acre</u>	<u>Residential density shall not exceed one (1) dwelling unit per five (5) acres</u> <u>Multi-family uses are not permitted</u>	<u>No [ingle-family or multi-family uses are permitted</u>
		<u>Live –work units allowed</u>	<u>Live –work units allowed</u>	<u>Live –work units allowed</u>	<u>Not applicable</u>	
(b)	<u>Commercial</u>	<u>TND standards apply</u>	<u>Location:</u> <u>Buildings with footprint > 90,000 are allowed only at intersection of Interstate Highway and primary arterial (boulevard) or higher classification</u>			
			<u>Setback standards apply</u>			
(c)	<u>Parks and Open Space</u>	<u>TND standards apply</u>	<u>All UD flex district standards apply</u>			<u>Not applicable. (MI-standards are applicable)</u>
(d)	<u>Building/Site Design</u>	<u>TND standards apply</u>	<u>All UD Flex district standards apply</u>			
(e)	<u>Signs</u>	<u>All UD flex district standards apply</u>				
(f)	<u>Buffers</u>	<u>All UD flex district standards apply, except for uses adjoining collector streets in UD, RD, and FR districts and arterial streets in UD districts</u>	<u>All UD flex districtstandards apply, except for uses adjoining collector and arterial streets</u>	<u>All UD flex district standards apply except for uses adjoining collector streets.</u>	<u>All UD flex district standards apply</u>	
(g)	<u>Resource Protection</u>	<u>All UD Flex district standards apply</u>			<u>MI-2 Standards Apply</u>	
(h)	<u>Petroleum and Gas</u>	<u>All UD Flex district standards apply</u>				
(i)	<u>Blocks, Streets, and Parking</u>					
	<u>(c)(1) Blocks</u>	<u>TND standards apply</u>	<u>UD Flex standards apply</u>	<u>UD Flex standards apply for multifamily</u>	<u>Not applicable.</u>	

	<u>(c) (2) Lots</u>	<u>Not applicable</u> (developer not choosing to utilize pre-existing lot standards)			
	<u>(c)(3) Streets</u>	<u>TND standards apply</u>	<u>UD Flex standards apply</u>	<u>UD Flex district standards apply except connectivity ratio shall be 1.5 and collectors exempt from traditional street design standards</u>	<u>UD Flex district standards apply except exempt from traditional street standards of UDC, and connectivity ratio does not apply</u>
	<u>(c) (4) Sidewalks and Pedestrian Circulation</u>	<u>TND standards apply</u>	<u>All UD Flex district standards apply</u>		
	<u>(c) (5) Parking and Loading</u>	<u>TND standards apply.</u>	<u>All UD Flex district standards apply.</u>		

	<u>Applicable MI-1 Standards</u>	<u>TND Pattern:</u>	<u>Mixed Use Pattern:</u>			
	<u>Standards Referenced in MI-1 District</u>	<u>All Flex Districts</u>	<u>UD</u>	<u>RD</u>	<u>FR</u>	<u>MI-1, MI-2</u>
<u>(a)</u>	<u>(c) (3) Minimum building setback requirements.</u>	<u>Applies to MI-1 district only</u>	<u>Not applicable (industrial uses not allowed)</u>			<u>MI flex standards apply</u>
<u>(b)</u>	<u>(c) (4) Wireless communication transmission tower setback</u>	<u>MI-1 flex standards apply</u>				
<u>(c)</u>	<u>Parks and Open Space</u>	<u>Not applicable. (industrial uses not allowed)</u>				<u>MI flex standards apply</u>
<u>(d)</u>	<u>(e) Building Design and Articulation</u>	<u>Applies to MI-1 district only</u>	<u>Not applicable. (industrial uses not allowed)</u>			<u>MI flex standards apply</u>

(j) "MI-2" Performance Standards

(1) Mechanical operations. All mechanical repairs shall be conducted inside a building or under a roof and screened from public view.

(2) Air pollution. All uses shall operate in compliance with the regulations of the Texas Commission on Environmental Quality codified in the Texas Administrative Code, Title 30, Chapter 101, "General Air Quality Rules."

(3) Noise. All uses shall comply with the provision of Chapter 21, Article III of the City Code, "Noise".

(4) Glare and heat. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall not be emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.

(5) Vibration. All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the lot line.

(6) Noxious odors. No odors, other than those related to permitted emissions, that are discernible without the aid of instruments by a person of ordinary sensibilities shall be allowed beyond the boundary of the zoning district.

(7) Toxic and liquid wastes. The discharge of any toxic or liquid waste material, unauthorized by state or federal permit, into any outdoor watercourse or drainage way shall be prohibited. The terms "toxic material" and "liquid waste material" shall have the meanings ascribed to them in applicable laws, rules, and regulations.

(8) Fire and explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire-fighting devices in accordance with the City's adopted Uniform Fire Code and shall comply with the regulations promulgated by the Texas Commission on Environmental Quality and/or Texas Railroad Commission and other applicable laws governing such product storage and use.

(9) Radioactive materials. No operation shall cause radioactivity at any lot line in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.

(10) Electromagnetic radiation. No operation shall be conducted which shall adversely affect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.

(11) Industrial waste monitoring. Upon request of the City Fire Department, the City Environmental Services Department, or San Antonio Water System, any person operating an activity within this district shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the district. Documentation that will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

(12) Material safety data. Upon request of the City Fire Department, independent of the Federal Emergency Planning and Community Right to Know Act, (EPCRA) any person operating an activity within this district shall provide copies of Material Safety Data Sheets (MSDS) for material maintained, stored, or used within the district. The materials, subject to this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or

hazardous property qualify their listing in the North American Emergency Response Guidebook, current addition and as amended.

(13) Petroleum and Natural Gas Extraction and Production.

A. General. The operator is responsible for compliance with this section during all operations at the well. Any violation of any valid law or of any valid rule, regulation or requirement of any city, state or federal regulatory body having jurisdiction with reference to drilling, completing, equipping, operating, producing, maintaining, or abandoning oil or gas wells or related appurtenances, equipment or facilities or with reference to firewall, fire protection, blow out protection or safety or persons or property shall be in violation of this section.

B. Well head setbacks. No well shall be drilled or re-entered for deepening or conversion, the surface location of which is:

1. Within less than the height of the drilling rig plus twenty-five (25) feet from any street, alley or utility easement, unless the operator obtains a variance from the Board of Adjustment.
2. Within less than four hundred (400) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from the Board of Adjustment for which the operator provides notarized affidavits from all affected property owners within four hundred (400) feet of the proposed well stating consent of the proposed drilling or re-entry activity for deepening or conversion.
3. Within less than four hundred (400) feet from any exterior boundary line or six hundred (600) feet from any building or land used by any public or parochial school, college, university, or hospital, or which is occupied by a church or a public building, unless the operator obtains a variance from the Board of Adjustment for which the operator provides notarized affidavits from all affected property owners within six hundred (600) feet from the proposed well stating consent to the proposed drilling or re-entry activity for deepening or conversion.
4. Within less than four hundred (400) feet from the exterior boundary line of lands utilized for cemeteries or public parks, unless the operator obtains a variance from the Board of Adjustment.

C. Well re-entry. No well shall be re-entered for reworking which does not involve deepening or conversion, or re-entry activity for plugging and abandonment, the surface location of which is within less than two hundred (200) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from the Board of Adjustment for which the operator provides notarized affidavits from all affected property owners within two

hundred (200) feet of the proposed well stating consent of the proposed re-entry activity for reworking, which does not involve deepening or deepening or conversion, or re-entry for plugging and abandonment.

- D. Pipelines. Before any excavation or construction work is commenced on any pipeline to move oil, gas, water or other product to and from a well site, on, over under, along or across any city street, sidewalk, alley or other city property, a franchise shall first be obtained from the City Council. No operator shall interfere with or damage any existing storm sewer, drainage facility, water line, sewer line or gas line, or facility of a public utility located on, under or across the course of any such pipeline.
- E. Premises to be kept clean. All surface areas utilized by an operator for production facilities shall be kept clear of dry grass, weeds and combustible trash or other rubbish or debris that would, if allowed to accumulate, result in a fire hazard. In the event the operator does not keep the premises clean, the Director may have it cleaned by contract and the payment of such work performed shall constitute a valid lien against the property.
- F. Public nuisance declared. No person shall conduct any well operation in a manner that would create a noise, odor or vibration detrimental to the health, safety or welfare of the surrounding neighborhood or any considerable number of persons. Such operation is hereby declared to constitute a public nuisance and subject to the provisions of Article V, Section 14-61 through Section 14-67 of the Municipal Code.

SECTION 7. Chapter 35, Article III, of the City Code of San Antonio, Texas is amended by adding MI-2, Mixed Heavy Industrial uses to Table 311-2a, Non-Residential Use Matrix, as follows:

**Table 311-2a
Non-Residential Use Matrix**

		Urban			Rural			Farm		Mixed Light Industrial					
		> 90,000 sf	< 90,000 sf	< 6,000 sf	Bldg Footprint > 90,000 sf	< 90,000 sf	< 6,000 sf	FR	VILLAGE CENTER - FR	MI - 1	MI - 1 < 3,000 sf	VILLAGE CENTER - M1	MI - 2	MI - 2 < 3,000 sf	VILLAGE CENTER - M2
Accessory	Accessory Uses - Secondary Or Incidental To Primary Use	P	P	P	P	P	P	P	P	P		P	P		P
Alcohol	Alcohol - Bar And/Or Tavern	P	S	S	P	S	S					P			P
Alcohol	Alcohol - Beverage Manufacture Or Brewery - Alcohol												P		
Alcohol	Alcohol - Distillation, Storage												P		
Alcohol	Alcohol - Microbrewery	P	P		P	P						P	P		P
Alcohol	Alcohol - Beverage Retail Sales	P	P		P	P						P			P
Alcohol	Alcohol - Winery With Bottling												P		
Amusement	Animal Racetrack And/Or Rodeo Arena									S					

Amusement	Carnival And/Or Circus									S			S		
Amusement	Carnival And/Or Circus (Temporary For Not More Than 60 Days)	S				S			S				S		
Amusement	Fairground And/Or Stadium							P		S					
Amusement	Miniature Golf	P	P			P	P								
Amusement	Amusement And/Or Theme Park - Outdoor Rides	S				S									
Amusement	Billiard Or Pool Hall - No Alcohol In "C-2"	P	P			P	P					P			P
Amusement	Bingo Parlor	P	P			P	P		S	S					
Amusement	Carnival And/Or Circus - Temporary Use (Time Set By City Council On Individual Case Consideration)	S				S					S				
Amusement	Dance Hall	P				P			P	P		P			
Amusement	Go-Cart Track	S				S			P			P			
Amusement	Laser Hide & Seek Games - Indoors	P	P			P	P					P		P	
Amusement	Laser Hide & Seek Games - Outdoors Permitted								P			P			
Amusement	Racing - Auto Or Truck Track											S		S	
Amusement	Theater - Indoor Permitting Over 2 Screens And/Or Stages	P	P			P	P								
Amusement	Theater - Indoor With 2 Or Less Screens And/Or Stages	P	S			P	S						P		P
Amusement	Theater - Outdoor Including Drive-In & Amphitheaters								P	P		P			
Amusement	Video Games - Coin Or Token Operated	P	P	S		P	P	S					P		P
Animal	Animal - Equestrian Center And Riding Trails								S			S			
Animal	Animal - Pound Or Shelter											P			
Animal	Breeder - Small Animal Only								P			S			
Animal	Cemetery - Pets (Limited To Small Animals)								P			P			
Animal	Dog Training - Indoor	P	P			P	P		P			P			
Animal	Dog Training - Outdoor Permitted								P			P			
Animal	Kennel - Boarding & Breeding (See Health & Environmental)								P			S			
Animal	Pet Grooming - Small Animals Only	P	P	P		P	P	P	P	P		P		P	
Animal	Small Animal Clinic - No Outside Runs	P	P	P		P	P	P	P	P		P		P	
Animal	Small Animal Hospital - Outside Runs Are Permitted								P			P			
Animal	Stockyard											S			
Animal	Veterinary Hospital - Large & Small Animal (Outside Runs, Pens & Paddocks Permitted)								P			P			
Animal	Veterinary Hospital - Large & Small Animal (No Outside Runs, Pens & Paddocks Permitted)								P	P		P			
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens & Paddocks Permitted)								P			P			
Animal	Veterinary Hospital - Small Animals (No Outside Runs, Pens & Paddocks Permitted)	S				S			P	P		P		P	
Auto	Truck & Heavy Equipment - Auction														
Auto	Ambulance Service	S				S						P			
Auto	Auto - Glass Tinting	P	P			P	P					P			
Auto	Auto & Light Truck - Manufacture													P	
Auto	Auto & Light Truck - Oil, Lube & Tune Up	P	P			P	P						P	P	P
Auto	Auto & Light Truck Auction											S			
Auto	Auto & Light Truck Repair	S				S							P	P	P
Auto	Auto & Vehicle Sales - New And Used-Small Scale (No More Than 15 Vehicles Currently Licensed And In Running Condition On Site At Any Given Time For Storage And/Or Sale)	S				S						S			
Auto	Auto & Vehicle Sales - New And Used-Large Scale											S			P
Auto	Auto - Rental (Pickup & Drop Off Only In "C-2")	P	P			P	P							P	P
Auto	Auto Alarm & Radio - Retail (Install. Incidental To Sales In "C-2")	P	P			P	P							P	P
Auto	Auto Glass Sales - Installation Permitted	S				S						P			P
Auto	Auto Muffler - Installation And Sales Only	S	S			S	S					P			P
Auto	Auto Paint & Body - Repair With Outside Storage Limited To 3 Vehicles (All Outside Storage Of Parts To Be Totally Screened)	S	S			S	S					P			P
Auto	Auto Paint & Body - Repair With Outside Storage Of											P			P

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ATTACHMENT

ATTACHMENT

Retail	Drugstore - Apothecary	P	P	P		P	P	P		P				P			P	
Retail	Dry Goods - Retail	P	P	P		P	P	P						P			P	
Retail	Farm Supplies								P	P		P						
Retail	Feed, Seed, Fertilizer Sales - No Outside Storage In "C-3"	S	S			S	S		P	P		P						
Retail	Fish Market - Retail	P	P	P		P	P	P						P			P	
Retail	Flea Market - Indoor	S				S						P						
Retail	Flea Market - Outdoor											S						
Retail	Floor Covering - Retail (Incidental To Other Onsite Retail Items In "D")	P	P			P	P							P			P	
Retail	Florist - Retail	P	P	P		P	P	P		P				P			P	
Retail	Food Locker Plant - Retail								S	S		S						
Retail	Food Store - Limited In "C-1" To Maximum 3000 Square foot Total Floor Area	P	P	P		P	P	P		P				P			P	
Retail	Fruit And Produce - Retail	P	P	P		P	P	P	P	P		P		P			P	
Retail	Furniture Sales - Retail	P	P			P	P											
Retail	Gift Shop - Retail	P	P	P		P	P	P						P			P	
Retail	Glass - Retail	P	P			P	P					P		P				
Retail	Grocery Store - Retail (Limited To Maximum 3000 Square foot Total In "C-1")	P	P	P		P	P	P		P				P			P	
Retail	Hardware Sales - Retail (Limited To Maximum 3000 Square foot Total In "C-1")	P	P	P		P	P	P		P				P			P	
Retail	Head Shop	S	S			S	S											
Retail	Hobby Store - Retail (Limited To Maximum 3000 Square foot Total In "C-1")	P	P	P		P	P	P						P				
Retail	Home Improvement Center	P	P			P	P					S						
Retail	Jewelry Store - Retail	P	P	P		P	P	P						P				
Retail	Leather Goods Or Luggage Store - Retail	P	P	P		P	P	P		P				P				
Retail	Medical - Surgical Supplies Retail	P	P			P	P							P			P	
Retail	Milliner - Custom	P	P	P		P	P	P						P			P	
Retail	Music Store	P	P	P		P	P	P						P				
Retail	Newsstand	P	P	P		P	P	P		P				P			P	
Retail	Nursery - Retail (Growing Plants On Site Permitted)	P	P			P	P		P	P		P						
Retail	Nursery - Retail (No Growing Plants On Site Permitted)	P	P	S		P	P	S		P	P			P			P	
Retail	Office Equipment And Supply - Retail	P	P			P	P							P				
Retail	Paint And Wallpaper Store - Retail & Wholesale	P	P			P	P							P				
Retail	Pet Shop - Retail	P	P	P		P	P	P						P				
Retail	Plumbing Fixtures - Retail (Incidental To Other Onsite Retail Items In "D")	P	P			P	P							P				
Retail	Rug Or Carpet - Retail	P	P			P	P							P				
Retail	Secondhand Merchandise - Retail No Outside Storage Or Display Of Inventory Permitted)	P	P			P	P							P				
Retail	Shoe - Retail	P	P	P		P	P	P						P				
Retail	Silk Screening - Retail	P	P			P	P							P				
Retail	Sporting Goods - Retail	P	P	P		P	P	P						P				
Retail	Stamps And Coin Sales - Retail	P	P	P		P	P	P						P				
Retail	Stationary Products - Retail	P	P	P		P	P	P						P			P	
Retail	Tamale - Preparation Retail (Less Than 2,000 Square foot In "C-1" & "C-2")	P	P	S		P	P	S				P						
Retail	Thrift Store - Retail See (Secondhand Merchandise)	*	*	*														
Retail	Tobacco Store - Retail	P	P	P		P	P	P						P			P	
Retail	Toy Store - Retail	P	P	P		P	P	P						P				
Retail	Trophy Sales, Engraving & Assembly	P	P	P		P	P	P						P			P	
Retail	Variety Store - Retail	P	P	P		P	P	P						P			P	
Sales	Boat - Sales & Service											S						
Sales	Machinery, Tools & Construction Equipment Sales & Service											S				P		
Sales	Farm Equipment Sales, Service Or Storage								P	P		P				P		
Sales	Oil Well Supplies And Machinery Sales - Used								S	S		S				P		
Sales	Portable Building Sales											S				P		
School	School - Private University Or College	P	P			P	P		P	P		P						

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Service	Medical - Laboratory Dental Or Medical	P	P	P		P	P	P			P						
Service	Medical - Optical Goods Retail	P	P	P		P	P	P					P				P
Service	Medical - Optical Goods Wholesale										P						
Service	Medical - Optician	P	P	P		P	P	P		P			P				P
Service	Medical - Optometry Office	P	P	P		P	P	P		P			P				P
Service	Mini Warehouse - Over 2.5 Ac. Requires Specific Use Permit In "C3" & "D"	P	P			P	P				P				P		
Service	Mortuary - Embalming And Preparation Only										S						
Service	Movie Rentals	P	P	P		P	P	P					P				P
Service	Palm Reading	P	P	P		P	P	P					P				P
Service	Pawn Shop	P	P			P	P						P				
Service	Picture Framing	P	P	P		P	P	P					P				P
Service	Post Office	P	P	P		P	P	P	P	P			P				P
Service	Reading Room	P	P	P		P	P	P					P				P
Service	Reducing Salon	P	P			P	P						P				P
Service	School - Business College	P	P			P	P						P				P
Service	School - Trade (No Outside Storage & Training Area Permitted)	P	P			P	P						P				P
Service	School - Trade (Outside Storage & Training Area Permitted)										P				P		
Service	Self-Defense Instruction	P	P	P		P	P	P					P				P
Service	Shoe - Repair	P	P	P		P	P	P					P				P
Service	Sign Shop - No Outside Storage	P	P			P	P	P			P						
Service	Studio - Fine Or Performing Arts	P	P	P		P	P	P									
Service	Studio - Interior Decorating	P	P	P		P	P	P					P				
Service	Studio - Photographic	P	P	P		P	P	P					P				
Service	Studio - Sound & Recording	P	S			P	S				P						
Service	Tailor Shop	P	P	P		P	P	P	P				P				
Service	Tattoo Parlor/Studio	P	P			P	P						P				
Service	Taxidermist								S		P						
Service	Tool Rental - Fenced & Screened Outside Storage Permitted	S	S			S	S		P		P						
Service	Tool Rental - Outside Storage Permitted								S		P						
Service	Tree Cut & Trim Service								S		P						
Service	Watch Repair	P	P	P		P	P	P					P				P
Social	Club - Private	P	P			P	P		P	P			P				P
Social	Clubhouse - Private Including Lodges & Meeting Halls	P	P			P	P		P	P			P				P
Storage	Carting, Crating, Hauling, Storage															P	
Storage	Cold Storage Plant															P	
Storage	Fur Dyeing, Finishing And Storing										S						
Storage	Ice Cream Truck Storage															P	
Storage	Moving Company										P					P	
Storage	Storage - Outside (Under Roof And Screened)										P					P	
Transportation	Airport - Non-Governmental								S								S
Transportation	Freight Depot								P		S						P
Transportation	Heliprot								S		S						P
Transportation	Helistop	S				S			S		S						P
Transportation	Passenger Depot	S	S			S	S		S		P						P
Utilities	Radio Or Television Station Without Transmission Tower	P	P			P	P		S	S	S					S	
Utilities	Telephone Equipment Infrastructure	S	S			S	S		S	S	P					P	
Utilities	Wireless Communication Systems	S	S			S	S		S	S	S					P	
Utility	Sanitary Landfill, Solid Waste Facility															S	
Warehouse	Office Warehouse (Flex Space) - Outside Storage Not Permitted										P					P	
Warehousing	Warehousing										P					P	

Notwithstanding any provisions of this Chapter to the contrary, a conditional zoning district may be permitted as provided in this section so long as the criteria for approval of a rezoning are met (see § 35-422-1). A conditional zoning district does not eliminate the landowner's right to use the property subject to the Application for any use permitted in the base zoning district. A conditional use permitted in a UD, RD, MI-1, or MI-2 shall meet all development standards of that district, including location criteria. Uses permitted by right in the districts set forth in Column (A) of Table 422-1 423-1, below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in Column (B) of Table 422-1, as follows:

Table 422-1	
(A) Use authorized by right in:	(B) May be permitted pursuant to a conditional zoning district in:
Any residential district, O-1, NC , C-1	Any residential district
O-1, C-1, C-2, <u>UD</u>	NC, C-1, <u>UD</u>
O-1, O-2, C-2, C-3, <u>UD</u>	C-1, C-2, <u>UD</u> , RD
L, I-1, QD	C-2, C-3, <u>UD</u> , RD, MI-1

Note: The above table is applicable within all approved overlay zones and special districts, including but not limited to, the ERZD, MAOZ and Historic Districts.

(2) Development Constraints - Generally

In considering a request for a conditional zoning classification, the zoning commission shall make a recommendation to the city council with reference to the use and development conditions which insure compatibility with surrounding properties. Compatibility in the context of this provision of the UDC shall refer to the compatibility of the proposed use with surrounding uses and adjacent zoning districts and not to building character, construction material or architectural design of the structure itself unless covered by other ordinances. Development constraints that may be specified as a requirement for a conditional zoning classification shall be limited to the following unless approved by the city council:

- A. Range of allowable uses
- B. Protective screening and/or buffering of property perimeter.
- C. Protective screening/location of dumpsters, mechanical systems and loading docks.
- D. Landscaping relative to screening, buffering and ingress/egress control and not solely for beautification purposes.
- E. Lighting.
- F. Height limitations.
- G. Setbacks.
- H. Parking (the location of parking and in some instances reduction in the amount of parking to be allowed).
- I. Ingress/egress.
- J. Hours of operation for conditional uses permitted in, or adjacent to, residential zoning districts.

- K. Signage.
- L. Performance standards relative to: mechanical operations, air pollution, noise, glare and heat, vibration, noxious odors, toxic and liquid wastes, fire and explosion, radioactivity, and electromagnetic radiation, and petroleum and natural gas extraction and production.
- M. Building facades, articulation and building orientation as they relate to the base zoning standards of immediately adjacent zoning districts.

(3) *Development Constraints in Residential Districts*

The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
- C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

(4) *Variances Prohibited*

A variance shall not be granted to any development constraint specified in this section or to any condition imposed by the city council.

SECTION 9. 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 10. 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 11. No provision of this amendment to the City Code of the City of San Antonio, Texas shall be construed as limiting the enforcement of any provisions of federal, state, or local laws by the City of San Antonio.

SECTION 12. 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 13. 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 14. This ordinance shall become effective immediately upon passage by eight or more votes otherwise this ordinance shall become effective August 22, 2004.

PASSED AND APPROVED this 12th day of August 2004.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____

City Attorney

RESOLUTION NO. 04-07-03

RECOMMENDING THE ADOPTION OF AN AMENDMENT TO CHAPTER 35 OF THE UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING ARTICLE III TO AMEND SECTION 35-310.15; AND TO CREATE A NEW ZONING DISTRICT BY ADDING SECTION 35-310.19, "MI-2" MIXED HEAVY INDUSTRIAL DISTRICT AND AMENDING VARIOUS SECTIONS OF ARTICLE III TO INCLUDE THE NEW DISTRICT.

WHEREAS, the City Council of San Antonio adopted the Southside Initiative Community Plan as an addendum to the City's Comprehensive Master Plan on June 26, 2003; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d)(3); and

WHEREAS, four (4) Flex Districts were adopted on August 28, 2003, as amendments to the Unified Development Code, to implement the future land use categories of the Southside Initiative Community Plan; and

WHEREAS, the "MI-2" Mixed Heavy Industrial District will complement these Flex Districts by providing a variety of heavy manufacturing and industrial uses; promoting economic development and growth; and preserving the rural character of the area; and

WHEREAS, the San Antonio Zoning Commission has reviewed the amendment, and has found the amendment to be consistent with City policies, plans and regulations; and

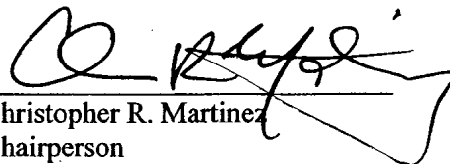
WHEREAS, a public hearing was held on July 6, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF THE CITY OF SAN ANTONIO:

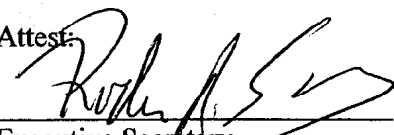
SECTION 1: The amendment to Chapter 35 of the Unified Development Code of the City of San Antonio by amending Article III to amend Section 35-310.15; and to create a new zoning district by creating Section 35-310.19, "MI-2" Mixed Heavy Industrial District and amending various sections of Article III to include the new district, attached hereto and incorporated herein by reference, is to be submitted to the City Council with this Commission's recommendation for approval by the City Council.

PASSED AND APPROVED ON THIS 6th day of July 2004.

Approved:


Christopher R. Martinez
Chairperson
San Antonio Zoning Commission

Attest:


Executive Secretary
San Antonio Zoning Commission