

AN ORDINANCE      2011-05-19-0418

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS REGARDING REGULATION OF USES WITHIN THE RIVER IMPROVEMENT OVERLAY DISTRICTS TO ALLOW AN EXISTING USE TO BE CONFORMING.**

\* \* \* \* \*

**WHEREAS**, the proposed amendment would allow an existing, nonconforming refinery use or petroleum manufacturing or processing use to be permitted in a RIO district by amendment to the Official Zoning Map in accordance with the provisions of Section 35-421; and

**WHEREAS**, a public hearing was held on May 17, 2011 regarding this amendment at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has recommended approval of adopting a new zoning regulation for pre-existing refinery use or a petroleum manufacturing or processing use within the river improvement overlay districts to be conforming; and

**WHEREAS**, City Council now desires to amend the Unified Development Code to adopt a new zoning regulation for pre-existing refinery use or a petroleum manufacturing use or processing use within the river improvement overlay districts to be conforming; **NOW THEREFORE**;

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

**SECTION 1.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Chapter 35, Article III, Section 35-338 (c) (3) of the City Code of San Antonio, Texas is hereby amended as follows:

**35-338. "RIO" River Improvement Overlay Districts.**

\*\*\*\*\*

**(c) Uses.**

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- (3) Nonconforming Structures and Uses.** Any structure or use which presently exists in a river improvement overlay district which was lawfully authorized by ordinance or regulations existing prior to the effective date of the river improvement overlay districts may continue and may be maintained, modified or repaired as authorized and in accordance with the provisions of article VII division 1 of this chapter (entitled "nonconforming uses"), provided however, that a refinery use or a petroleum manufacturing or processing use existing prior to the effective date of this subsection may be allowed by amendment to the Official Zoning Map in accordance with the provisions of Section 35-421.

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

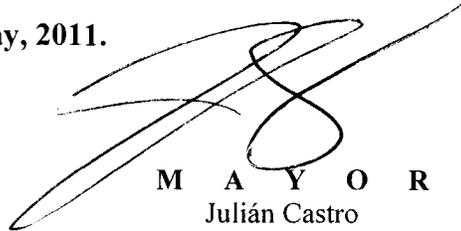
**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, 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.** The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

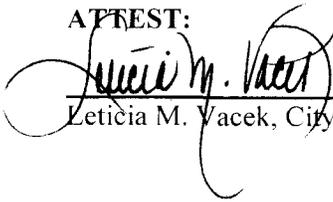
**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 7.** This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective the 29th day of May, 2011.

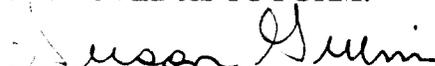
**PASSED AND APPROVED this the 19th day of May, 2011.**

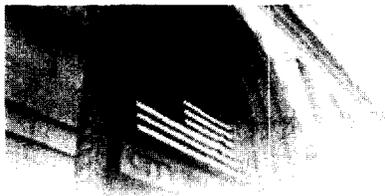
  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

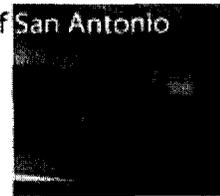
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for  
Michael Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 33

<b>Name:</b>	33, Z-1, Z-2, Z-11						
<b>Date:</b>	05/19/2011						
<b>Time:</b>	02:17:22 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 35, Unified Development Code of the City Code of San Antonio, Texas regarding regulation of uses within the River Improvement Overlay Districts to allow an existing use to be conforming.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				