

AN ORDINANCE 2008-04-03-0265

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS ADOPTING PROCEDURES TO DEFINE AND SPECIFY LOCATIONAL CRITERIA FOR PAYDAY LOAN AGENCIES AND CHECK CASHING FACILITIES AS REQUESTED BY COUNCIL MEMBER MCNEIL, DISTRICT 2

* * * * *

WHEREAS, Council Member McNeil, District 2 submitted a Council Consideration Request to adopt procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; and

WHEREAS, the Planning Commission has recommended approval of adopting procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; and

WHEREAS, the Zoning Commission has requested that additional information be provided from the Office of the City Council Member who initiated the request of the amendment; and

WHEREAS, City Council now desires to amend the Unified Development Code to adopt procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; **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 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Appendix A: Definitions and Rules of Interpretation, is amended by adding:

APPENDIX A: DEFINITIONS AND RULES OF INTERPRETATION
Sec. 35-A101. Generally.

Check Cashing Facility – a person or business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same

purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company.

Pay-Day Loan Agency – an establishment providing loans to individuals in exchange for personal checks as collateral.

Chapter 35, Article III, Division 2, Use Regulations Table, is amended as follows:

35-311 Use Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
		Service	Loan Office	P	P	P	P	P	P				
Service	Check Cashing Facility				S	S	S					P	2600
Service	Pay-Day Loan Agency				S	S	S					P	2220

Chapter 35, Article III, Division 7, is amended as by adding Section 35-394 as follows:

DIVISION 7 – SUPPLEMENTAL USE REGULATIONS

Sec. 35-394. Check Cashing Facilities and Pay-Day Loan Agencies

Check cashing facilities and pay-day loan agencies shall comply with the following requirements:

- (a) Hours of operation shall be established by City Council as part of a Specific Use Authorization.
- (b) There shall be no outdoor queuing; an indoor waiting area large enough to accommodate all customers shall be provided.

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. 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 index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall become effective the 13th day of April, 2008

PASSED AND APPROVED this the 3rd day of April, 2008.

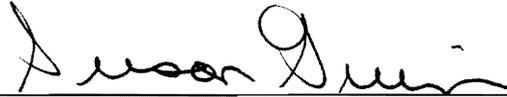

M A Y O R

PHIL HARDBERGER

ATTEST:

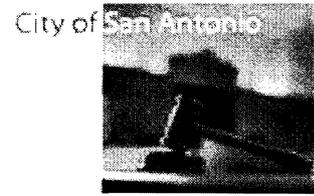

City Clerk

APPROVED AS TO FORM:


for City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 29

Name:	6, 10, 13, 14, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38A, 38B, 38C						
Date:	04/03/2008						
Time:	10:06:43 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by adopting procedures to define and specify locational criteria for payday loan agencies and check cashing facilities as requested by Councilmember McNeil, District 2. [Roderick Sanchez, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5	x					
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x			x	
John G. Clamp	District 10		x				

Affidavit of Publisher

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS ADOPTING PROCEDURES TO DEFINE AND SPECIFY LOCATIONAL CRITERIA FOR PAYDAY LOAN AGENCIES AND CHECK CASHING FACILITIES AS REQUESTED BY COUNCIL MEMBER MCNEIL, DISTRICT 2.

PASSED AND APPROVED this 3rd day of April, 2008.

/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
4/10

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the An Ordinance 2008-04-03-0265 here to attached has been published in every issue of said newspaper on the following days, to wit:

04/10/2008.

Helen I. Lutz

Sworn to and subscribed before me this 10th day of of April, 2008.

Martha L. Machuca

