

AN ORDINANCE 2009-12-10-1026

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, RELATING TO NOTIFICATION PROCEDURES FOR BOARD OF ADJUSTMENT CASES INVOLVING THE REVOCATION OF A CERTIFICATE OF OCCUPANCY AS REQUESTED BY COUNCIL MEMBER RAMOS, DISTRICT 3.**

\* \* \* \* \*

**WHEREAS**, Council Member Ramos, District 3 submitted a Council Consideration Request to adopt notification procedures to property owners within 200 feet of property the subject of City initiated certificate of occupancy revocations before the Board of Adjustment; and

**WHEREAS**, a public hearing was held 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 notification procedures to property owners within 200 feet of property the subject of City initiated certificate of occupancy revocations before the Board of Adjustment; and

**WHEREAS**, City Council now desires to amend the Unified Development Code to adopt notification procedures to property owners within 200 feet of property the subject of City initiated certificate of occupancy revocations before the Board of Adjustment; **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 IV, Section 35-403, Table 403-1, Notice Requirements of the City Code of San Antonio, Texas is hereby amended as follows:

**Sec. 35-403. Notice Provisions.**

(a) Generally. The notice requirements for each type of application for development approval are prescribed in the individual subsections of this article applicable thereto and/or the Texas statutes. The notice requirements for certain types of public hearings are established in Table 403-1 below provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the state statute shall govern.

(b) Contents of Notice. The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:

- The street address, if the street address is unavailable, the legal description by NCB/CB, block, and lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
- The current zoning district, if any; and
- The category of permit requested and a brief description of the proposed development including density or building intensity, revised zoning classification (if any), and uses requested.

In Table 403-1, the method for providing notice is provided in column (A) and the types of permits affected are set forth in columns (B) through (L). In Table 403-1, an asterisk (\*) indicates that the type of notice prescribed in column (A) is required for the category of development order prescribed in columns (B) through (L), while a dash (-) indicates that the notice is not required.

**Table 403-1  
Notice Requirements**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(GH)	(HI)	(IJ)	(JK)	(KL)
<b>Type of notice</b>	<b>Amendments to Master Plan or this chapter</b>	<b>Rezoning</b>	<b>Master Development Plan</b>	<b>Appeals to Board of Adjustment</b>	<b>Variances from and/or granting of special exceptions by the Board of Adjustment</b>	<b>Revocation of Certificates-of-Occupancy by the</b>	<b>Subdivision Plat, Major</b>	<b>Subdivision Plat, Minor</b>	<b>Certificate of Appropriateness</b>	<b>Permits, Orders or Approvals not Mentioned Requiring Public Hearing</b>	<b>Request for Demolition of a Historic Landmark or Potential Historic Landmark</b>
<b>Publication:</b> Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	-	10 days	*	-	*	-	-	*	-
<b>Mail:</b> Written notice of the public hearing shall be sent	-	*(1)(2)(3)	*(2)	*(1)(2)	*(1)(2)	*(1)(2)	*(1)(2)	(1)	-	*(1)	*(1)(2)
<b>Internet:</b> post a copy of the notice on the city's Internet website until the proceeding has been completed.	*	*	*	*	*	*	*	*	*	*	*
<b>Signage:</b> post a sign on the property subject to the application Signs to be installed and provided by the city <sup>(2)</sup>	-	*(4) (5)	-	-	-	-	-	-	*	-	*

Notes:

- (1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the tenth day before the date of the public hearing at the zoning commission. Notice for demolition applications shall be sent prior to the seventh day before the date of the public hearing at the historic design and review commission. Notice for plat applications shall be sent in accordance with V.T.C.A. Local Government Code Ch. 212 (if a replat requires a public hearing and notice).
- (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- (3) Notice shall be sent to members of the planning team, as defined by subsection 35-420(b)(3), for the affected neighborhood, community or perimeter plan, as applicable.
- (4) The sign shall measure not less than (96564) eighteen by twenty-four inches and shall contain:
  - City's name,
  - Zoning Case # \_\_\_\_\_ or HDRC Case # \_\_\_\_\_,
  - Name of Case Manager, and
  - Contact telephone number.The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible florescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.
- (5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated area-wide rezoning consisting of six (6) or more individual lots. However, signs will be placed at the general location of the boundary of the area-wide zoning project and its intersection with major arterial and collector streets that provide ingress/egress to the area subject to rezoning.

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**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 the 20th day of December, 2009.

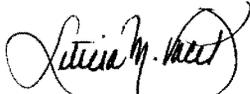
**PASSED AND APPROVED this the 10th day of December, 2009.**



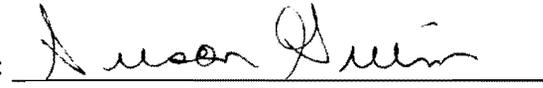
M A Y O R

**JULIÁN CASTRO**

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
for City Attorney

<b>Agenda Item:</b>	<b>33</b>						
<b>Date:</b>	12/10/2009						
<b>Time:</b>	02:42:07 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 35 (Unified Development Code) of the City of San Antonio, Texas relating to notification procedures for Board of Adjustment cases involving the revocation of a certificate of occupancy. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		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				