

AN ORDINANCE **86919**

AMENDING THE CITY CODE CHAPTER 35, ENTITLED "UNIFIED DEVELOPMENT CODE," TO REQUIRE A MINIMAL DISTANCE OF 1,500 FEET OR MORE FROM A PUBLIC/PRIVATE ELEMENTARY, MIDDLE OR HIGH SCHOOL, A PUBLIC/PRIVATE CHILDREN'S DAYCARE FACILITY REQUIRING A CERTIFICATE OF OCCUPANCY, AND/OR A PUBLIC PARK (CITY CODE SECTION 35-3316); ADDING DEFINITIONS ENTITLED "TRANSITIONAL HOME" AND "PAROLEE" (CITY CODE SECTION 35-1041); ADDING "TRANSITIONAL HOME" AS A PERMITTED USE IN B-3, B-4, I-1 AND I-2 ZONING DISTRICTS WITH CITY COUNCIL APPROVAL (CITY CODE SECTION 35-3262); MAKING VIOLATION OF ANY PROVISION OF THIS ORDINANCE A CLASS C MISDEMEANOR; AND PROVIDING THAT ANY VIOLATION SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$2000.00 PER INCIDENT.

\* \* \* \* \*

**WHEREAS**, a need has been defined for providing short term group housing for parolees coming out of the penal system; and

**WHEREAS**, such housing is not compatible with all land uses within a community; and

**WHEREAS**, such housing is of a specific nature that may adversely impact residential neighborhoods, and

**WHEREAS**, the location of such housing relative to the concentration of children is of concern to its citizens; and

**WHEREAS**, the well being of children of this community is of paramount importance for the continued moral and economic well being of this city, state and nation; and

**WHEREAS**, insulation of the children of this community from inappropriate adult role models in and near institutions of learning and places of play is essential in order to provide our children with a nurturing environment; and

**WHEREAS**, the Zoning Commission has adopted a resolution supporting the ordinance and the staff recommends approval of the amendment; **NOW THEREFORE**,

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

**SECTION 1.** The City Code of the City of San Antonio, Texas, Chapter 35, entitled "Unified Development Code," Section 35-1041 is hereby amended by adding the following definitions:

Transitional Home A residential facility, differentiated from facilities, sometimes referred to as a rehab center and/or half-way house, which provides onsite supervised lodging for individuals who are required to reside at the facility as a term of ~~probation or parole~~ or under mandatory supervision.

Parolee A convicted felon that has been approved for parole but who is to be housed in a short term "transitional home" prior to entering society with the privileges and conditions of a parolee

**SECTION 2** The City Code of the City of San Antonio, Unified Development Code Division 9 Subdivision A, Section 35-3316 entitled "Reserved" is hereby amended to include the text attached hereto and incorporated herein as Appendix I

**SECTION 3** The City Code of the City of San Antonio, Unified Development Code Division 8 Section 35-3262 entitled "Table of permitted use in nonresidential districts" is hereby amended to include the following

	Zoning Districts							
<u>Permitted Uses</u>	<u>0-1</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>I-1</u>	<u>I-2</u>	<u>ERZD</u>
Transitional Homes				CC	CC	CC	CC	CC

**SECTION 4.** This ordinance shall become effective ten days from date of passage hereof.

**PASSED AND APPROVED this 6<sup>th</sup> day of November, 1997.**

  
M A Y O R  
Howard W. Peak

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

97-45

## APPENDIX I

### SEC 35-3316 TRANSITIONAL HOMES

A transitional home established after November 17, 1997, shall not be located within 1,500 feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a Certificate of Occupancy and/or public park

(1) Method of Measurement & Survey Requirements

a Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the platted property line of the lot on which the transitional home is situated to the nearest point on the property line of a public/private elementary, middle or high school, a public/private children's day care facility requiring a Certificate of Occupancy, and/or public park

b. A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the Director of Building Inspections for all transitional homes as part of the application for the Certificate of Occupancy Any Certificate of Occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void

- (2) All structures used as a transitional home must have an all weather lighted sign of 2'x4' message area identifying the facility as a transitional home for parolees
- (3) No more than two parolees may be assigned to a single bedroom.
- (4) One bedroom with two separate beds must be available 24 hours a day for each two paroles housed within the facility.
- (5) A bedroom housing one parolee shall have a minimum of 100 square foot of usable floor space exclusive of closets or other personal storage areas A bedroom housing two parolees shall have a minimum of 150 square foot of usable floor space exclusive of closets or other personal storage areas
- (6) One bathroom consisting of a tub and/or shower and one toilet, and two lavatories shall be provided for each four parolees housed.
- (7) A common room for leisure activities shall be provided at the rate of 200 square foot for the first two parolees and an additional 50 square foot for each additional two parolees
- (8) A full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio San Antonio Metropolitan Health District
- (9) A rear yard area of 50 square foot per parolee housed shall be provided for the occupants
- (10) The transitional home shall be staffed 24 hours a day with one attendant per 15 parolees.

(11) Parking

- a All required parking shall be provided off street.
- b One space per attendant and one space per six parolees shall be provided

(12) Outdoor activities shall be limited to the hours of 6 00 a m until 9 30 p m seven days a week

(13) Nuisance

The transitional home may be considered a public nuisance if any of the following occurs,

- a more than two police disturbance calls are recorded within a three month period involving parolees housed at the transitional facility,
- b a code violation notice goes uncorrected for more than thirty days, or
- c more than five nuisance complaints from adjoining property owners are received and validated by the police department within a six month period

If the Director of Code Compliance determines that any of the three provisions occur, he shall request that the City Attorney take court action to abate the nuisance where appropriate under law

(14) Permissible tenants

- a No tenant or parolee may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree.
- b No tenant or parolee may occupy a transitional home without first being screened for Tuberculosis. The operator of the transitional home must demonstrate that any tenant or parolee testing positive for Tuberculosis is of no danger to other tenants or parolees relative to possible transference or infection of said residents

(15) Violation of any provision of this ordinance is a Class C misdemeanor and upon conviction violators are subject to the provisions of the City Code of the City of San Antonio, Texas, entitled "Unified Development Code Section 35-1024

If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

(11) Parking

- a. All required parking shall be provided off street
- b. One space per attendant and one space per six parolees shall be provided.

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If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict

**PUBLIC HEARING  
TIME CERTAIN  
ITEM NO 4  
2:00 PM**

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

**TO:** Mayor and City Council  
**FROM:** Emil R. Moncivais Director of Planning  
**COPIES TO:** File  
**SUBJECT:** TRANSITIONAL HOMES (HALF-WAY HOUSES)

**DATE:** October 27, 1997

**SUMMARY AND RECOMMENDATION:**

During the June 19, 1997, City Council meeting, the City Council instructed staff to prepare a Transitional Home (Half-way House) ordinance that would provide for performance standards and location of such facilities within the community. Performance standards addressed (see attached APPENDIX I) include -

- mandatory signage
- number of occupants per bedroom
- bedroom size
- requirements for bathrooms
- mandatory common area per occupant
- standards for kitchens
- exterior yard requirements
- staffing hours
- parking requirements
- permitted hours of outdoor activities
- definition of nuisance
- permissible tenants
- violations and fines

Staff recommends approval of the ordinance.

**BACKGROUND:**

Former District 2, Councilwoman Lott requested that an ordinance be drafted to address the placement of half-way houses within the community. The request was to address

specifically those facilities designed to meet the housing needs of transitional parolees prior to their actual release on parole

On June 19, 1997, staff presented an ordinance that addressed the issue of location in relationship to schools, churches and day care centers. The City Council did not take action on the ordinance and instructed staff to prepare an ordinance that would include performance measures. The City Council also requested that the information on the draft ordinance be provided to the public and providers in a timely manner. Beginning in early October draft copies of the ordinance were provided to neighborhood groups and providers who had expressed an interest in the ordinance. In addition the ordinance was posted on the Internet.

After a hearing of the ordinance on October 7<sup>th</sup> and 21<sup>st</sup>, 1997, the Zoning Commission adopted a resolution recommending City Council's adoption of the ordinance.

Staff endorses the request to adopt the ordinance.

#### **POLICY ANALYSIS:**

Staff recognizes the need for providing for the location of specialized housing for transitional parolees within the community. Such housing is intended to contribute to the reduction of the number of parolees who return to prison. However, staff also recognizes that such housing is highly specialized and must be properly addressed to meet the needs of the community, provide for compatible land uses, and insure the health, safety and welfare of children who may be exposed to residents in such a facility.

#### **FINANCIAL IMPACT:**

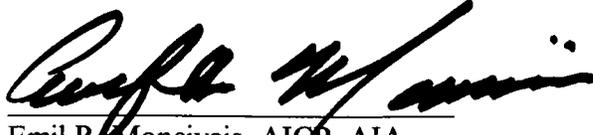
Application fees for zoning changes will cover the City's cost of administering the zoning case and notifying the public. Unless a significant number of such facilities become permitted, current code and enforcement personnel would be able to address them in their ongoing work programs.

#### **COORDINATION:**

This ordinance has been coordinated with the City Attorney's Office, Community Initiatives, Code Compliance, Building Inspections, San Antonio Metropolitan Health District, Police Department and City Planning.

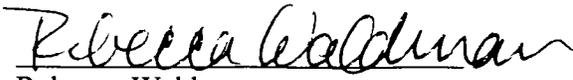
**IMPACT ON AFFORDABLE HOUSING:**

No adverse impact is anticipated on the affordable housing market and/or supply

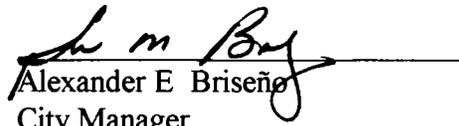


Emil R. Moncivais, AICP, AIA  
Director of Planning

Approved



Rebecca Waldman  
Assistant to the City Manager



Alexander E. Briseño  
City Manager

# **TRANSITIONAL HOMES**

"SPECIALIZED HOUSING FOR PAROLEES"

1

## **PURPOSE**

"Transitions Homes" are for the purpose of providing for the short term housing of prisoners to be paroled prior to release.

2

1

#4  
11-6-97

## **OBJECTIVE**

- To provide for short term group housing for parolees coming out of the penal system.
- To insure compatibility of such housing with all land uses within the community.
- To prevent adverse impact on residential neighborhoods.

3

## **OBJECTIVE, cont.**

- To provide for the well being of children of the community.
- To insure that such housing relates properly to children, their place of play and study.
- To protect children from inappropriate adult role models.

4

## DEFINITIONS

- **“Transitional Home”**: a facility which provides onsite supervised lodging for individuals who are required to reside at the facility as a term of probation.
- **Parolee**: a convicted felon that has been approved for parole but who is to be housed in a short term “Transitional Home” prior to entering society.

5

## PROVISIONS

- “Transitional Homes” shall not be located within 1,500 feet of any public/private elementary, middle or high school, public/private children’s day care facility requiring a Certificate of Occupancy, and/or public park.
- “Transitional Homes” must have an all weather lighted sign of 2’x4’ message area identifying the facility as a “Transitional Home” for parolees.

6

## **PROVISIONS cont.**

- **No more than two parolees may be assigned to a single bedroom.**
- **One bedroom with two separate beds must be available 24 hours a day for each two paroles housed within the facility.**
- **A bedroom housing one parolee shall have a minimum of 100 square feet of usable floor space exclusive of closets or other personal storage areas.**

7

## **PROVISIONS cont.**

- **One bathroom consisting of a tub and/or shower and one toilet, and two lavatories shall be provided for each four parolees housed.**
- **A bedroom housing two parolees shall have a minimum of 150 square feet of usable floor space exclusive of closets or other personal storage areas.**

8

## **PROVISIONS cont.**

- **A common room for leisure activities shall be provided at the rate of 200 square feet for the first two parolees and an additional 50 square feet for each additional two parolees.**
- **A full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio San Antonio Metropolitan Health District.**

9

## **PROVISIONS cont.**

- **The “Transitional Home” shall be staffed 24 hours a day with one attendant per 15 parolees**
- **A rear yard area of 50 square feet per parolee housed shall be provided for the occupants.**

10

## **PROVISIONS cont.**

- **All required parking shall be provided off street.**
- **One parking space per attendant and one space per six parolees shall be provided.**
- **Outdoor activities shall be limited to the hours of 6:00am until 9:30pm seven days a week.**

11

## **NUISANCE**

**A “Transitional Home” shall be considered a public nuisance if -**

- **more than two police disturbance calls are recorded within a three month period.**
- **a code violation notice goes uncorrected within thirty days**

12

## **NUISANCE cont.**

- **more than five nuisance complaints from adjoining property owners are received and validated by the Police Department within a six month period.**
- **If the Director of Code Compliance determines that any of the three provisions occur he shall request the City Attorney take court action to abate the nuisance.**

13

## **PERMISSIBLE TENANTS**

- **No tenant or parolee may occupy a “Transitional Home” if previously convicted of**
  - **a sex oriented crime,**
  - **child molestation, and/or**
  - **murder in any degree**

14

## **TUBERCULOSIS**

- **No tenant or parolee may occupy a “Transitional Home” without first being screened for Tuberculosis.**
- **The operator of the “Transitional Home” must demonstrate that any tenant or parolee testing positive for Tuberculosis is of no danger to other tenants or parolees relative to possible transference or infection of said residents.**

15

## **VIOLATIONS**

- **Violation of any provision of this ordinance is a Class C misdemeanor**
- **Conviction shall result in a fine of \$2,000 per incident.**

16

# PERMITTED AREAS

## ZONING DISTRICTS

B-3 B-4 I-1 I-2  
CC CC CC X

- CC - requires approval of zoning plus approval of use by the City Council
- X - requires approval of zoning only.
- Allowed in the ERZD in B-3, B-4, I-1 & I-2 with City Council approval.

17

# CONFLICT IN STATUTE

- If the provisions herein are in conflict with preemptive state or federal law then the “Transitional Home” shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

18

## **COORDINATION**

**The development of this ordinance  
has been coordinated with -**

- **Building Inspections Dept**
- **Code Compliance**
- **Police Department**
- **San Antonio Metropolitan Health  
District**

19

## **ZONING COMMISSION**

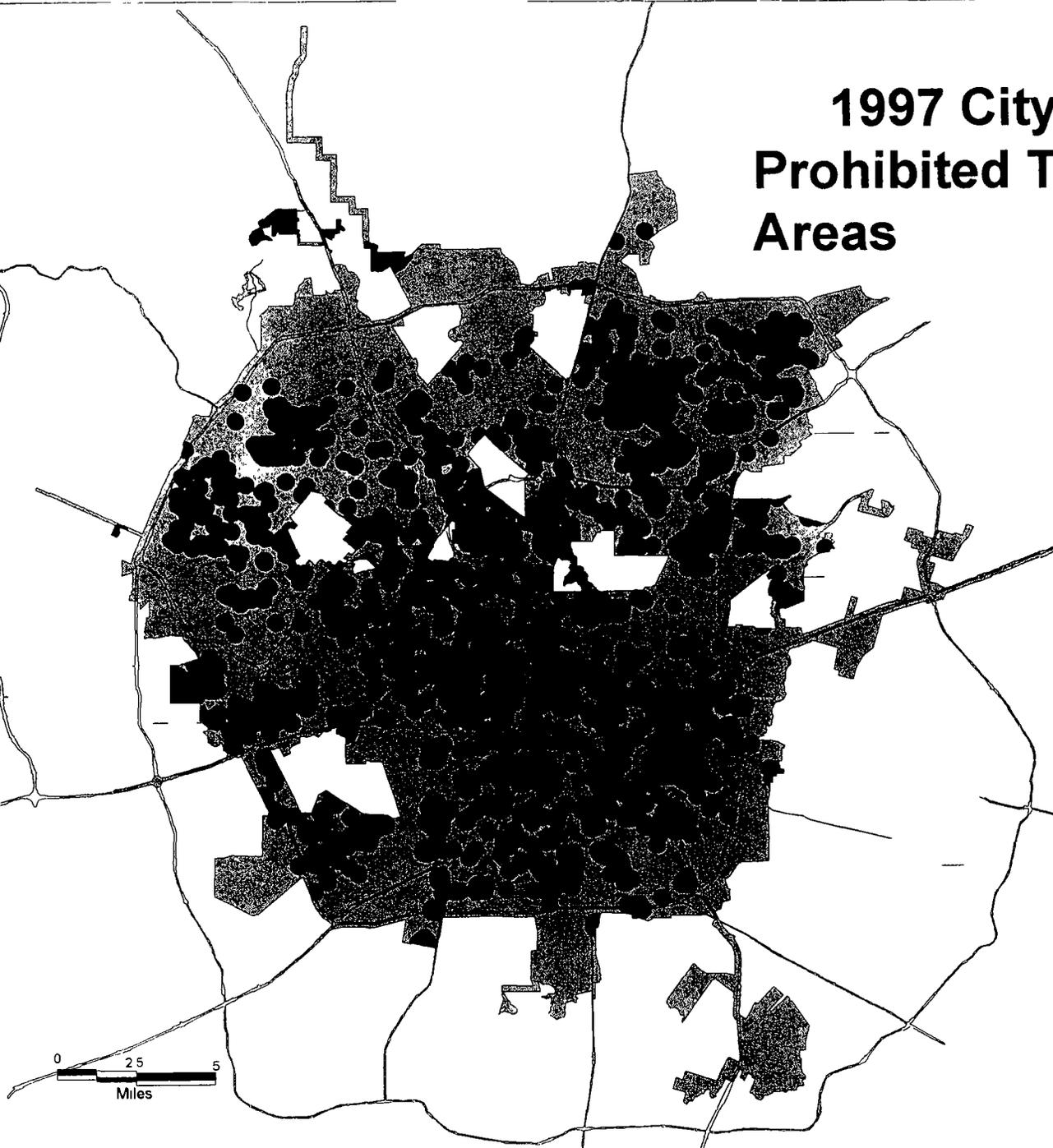
**On October 7, 1997 the Zoning  
Commission passed a resolution  
supporting the adoption of the  
proposed UDC amendment.**

20

## **RECOMMENDATION**

- **The staff recommends adoption of the ordinance amending the Unified Development Code to provide for “Transitional Homes”.**

# 1997 City of San Antonio Prohibited Transitional Home Areas



Area Of No  
Transitional  
Homes



Remaining Area  
Within City Limits



[REDACTED]

[REDACTED]

[REDACTED]

*ppw*

**SUMMARY OF ORDINANCE**

During the June 19, 1997, City Council meeting, the City Council instructed staff to prepare a Transitional Home (Half-way House) ordinance that would provide for performance standards and location of such facilities within the community. Performance standards addressed include: mandatory signage, number of occupants per bedroom, bedroom size, requirements for bathrooms, mandatory common area per occupant, standards for kitchens, exterior yard requirements, staffing hours, parking requirements, permitted hours of outdoor activities, definition of nuisance, permissible tenants, violations and fines.

Staff recommends approval of the ordinance.

[REDACTED]

[REDACTED]

[REDACTED]

Fund No \_\_\_\_\_ Amt Expended \_\_\_\_\_

Funds/Staffing Budgeted Yes [ ] No [ ]

Activity No. \_\_\_\_\_ SID No \_\_\_\_\_

Positions Currently Authorized Yes [ ] No [ ]

Index Code \_\_\_\_\_ Project No \_\_\_\_\_

Impact on future O&M \_\_\_\_\_

Object Code \_\_\_\_\_

If positions added, specify class and no..

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
1 MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS - FRANCES GONZALES
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
1 COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
1 MUNICIPAL CODE CORPORATION (MAYOR'S OFFICE)
1 MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
1 PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
1 LAND DEVELOPMENT SERVICES
1 POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

MEETING OF THE CITY COUNCIL  
PUBLIC HEARING & ORDINANCE

PAROLEES

*As Amended*

AGENDA ITEM NUMBER: 4  
 DATE: NOV 06 1997  
 MOTION: Adm  
 ORDINANCE NUMBER: 86919  
 RESOLUTION NUMBER: \_\_\_\_\_  
 ZONING CASE NUMBER: \_\_\_\_\_  
 TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		<i>absent</i>	
MARIO SALAS District 2		✓	
DEBRA GUERRERO District 3		ABSENT	
RAUL PRADO District 4		✓	
RICK VASQUEZ District 5		✓	
JOSE MENENDEZ District 6		✓	
ED GARZA District 7		ABSENT	
ROBERT MARBUT District 8		✓	
TIM BANNWOLF District 9		✓	
JEFF S. WEBSTER District 10		✓	
HOWARD W. PEAK Mayor		✓	

~~AMENDS~~  
 AMENDS NO. 35 OF CITY CODE  
 FILE (ORIGINAL) "CHAPTER 35"  
 97-15

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
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REAL ESTATE (FASSNIDGE)
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CITY MANAGER
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CITY PUBLIC SERVICE - GENERAL MANAGER
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REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

MEETING OF THE CITY COUNCIL

*Amendment*

AGENDA ITEM NUMBER: 4

DATE: 11-6-97

MOTION: Vasquez Ords

ORDINANCE NUMBER: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: \_\_\_\_\_

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		<i>Absent</i>	
MARIO SALAS District 2		✓	
DEBRA GUERRERO District 3		<i>Absent</i>	
RAUL PRADO District 4		✓	
RICK VASQUEZ District 5		✓	
JOSE MENENDEZ District 6		✓	
ED GARZA District 7		<i>Absent</i>	
ROBERT MARBUT District 8		✓	
TIM BANNWOLF District 9		✓	
JEFF S. WEBSTER District 10		✓	
HOWARD W. PEAK Mayor		✓	

*To amend the Ordinance to direct that the Public Notice Provisions apply to all young classification*

97-45

# Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

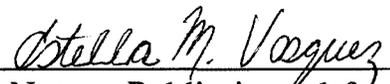
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day  
Helen I. Lutz, who being by me duly sworn, says on oath  
of the Commercial Recorder, a newspaper of general circulation  
San Antonio, in the State and County aforesaid, and that the  
Ordinance #86919 hereto attached has been published in this  
newspaper on the following days, to-wit: November 13,

**PUBLIC NOTICE**  
**AN ORDINANCE 86919**  
AMENDING THE CITY CODE CHAPTER 35, ENTITLED "UNIFIED DEVELOPMENT CODE," TO REQUIRE A MINIMAL DISTANCE OF 1,500 FEET OR MORE FROM A PUBLIC/PRIVATE ELEMENTARY, MIDDLE OR HIGH SCHOOL, A PUBLIC/PRIVATE CHILDREN'S DAY-CARE FACILITY REQUIRING A CERTIFICATE OF OCCUPANCY, AND/OR A PUBLIC PARK (CITY CODE SECTION 35-3316); ADDING DEFINITIONS ENTITLED "TRANSITIONAL HOME" AND "PAROLEE" (CITY CODE SECTION 35-1041); ADDING "TRANSITIONAL HOME" AS A PERMITTED USE IN B-3, B-4, I-1 AND I-2 ZONING DISTRICTS WITH CITY COUNCIL APPROVAL (CITY CODE SECTION 35-3262); MAKING VIOLATION OF ANY PROVISION OF THIS ORDINANCE A CLASS C MISDEMEANOR; AND PROVIDING THAT ANY VIOLATION SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$2000.00 PER INCIDENT.  
PASSED AND APPROVED this 8TH day of NOVEMBER, 1997.  
/s/HOWARD W. PEAK  
Mayor  
ATTEST:  
/s/ NORMA S. RODRIGUEZ  
City Clerk  
11/13

  
\_\_\_\_\_

Sworn to and subscribed before me this 13th day of November, 1997.

  
\_\_\_\_\_  
Notary Public in and for Bexar County, Texas

